

17.12.2024

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Allowed

C.R.M. (A) No. 4416 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Chanchal Police Station Case No. 1500 of 2023 dated 07.11.2023 under Sections 376/506/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Sujan Ali @ Ruksar Alam @ Ruksar Ali petitioner

Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Saptarshee Pakrashy

.....for the petitioner

Mr. Anwar Hossain
Ms. Suparna Chatterjee

....for the State

Mr. Jenifar Alam Megha

.... for de facto complainant

1. Learned Counsel for the petitioner submits he is not the principal accused. He has been falsely implicated.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. Learned Counsel for the *de facto* complainant also opposes the prayer for anticipatory bail.

4. We have considered the materials on record including statement of the minor victim. It is alleged in the statement there was a romantic relationship between her and the principal accused i.e. brother of the petitioner. It is also alleged petitioner made indecent proposal as a condition to

agree to the marriage. Possibility of false implication owing to dispute between the victim and his brother cannot be ruled out. Under such circumstances we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)