

05.02.2025
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Allowed

C.R.M. (A) No. 141 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Jiaganj Police Station Case No. 443 of 2024 dated 15.11.2024 under Sections 85/64/62/3(5) of the BNS.

And
In Re : XXXX petitioner

Ms. Soma Mal
.....for the petitioner

Mr. S. S. Imam
Mr. Rajes Jana
....for the State

Mr. Tapodip Gupta
..... for the de facto complainant

1. Heard the learned advocates for the parties.

2. We have considered the materials on record. Petitioner is the brother-in-law of the victim lady. There is delay in lodging FIR. Whether allegation of attempt to rape is an embellishment due to prior enmity has to be assessed in light of delay in lodging FIR at the appropriate stage of the proceeding. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

3. 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.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)