

05.02.2025
40
as
[ALLOWED]

C. R. M. (A) 171 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No. 2013 of 2024 dated 10.12.2024 under Sections 69/64(2)/117(2) of BNS, 2023.

In Re: Paritosh Hazra.

... .. Petitioner

Mr. Jisan Iqubal Hossain.

... .. for the Petitioner

Ms. Sreyashee Biswas,

Mr. Shashanka Shekhar Saha.

... .. for the State

1. Petitioner submits there is delay in lodging First Information Report. Allegation of forcible rape is out and out false. Victim is a married lady. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State produces the Case Diary.

3. In spite of notice nobody appears for the victim.

4. We have considered the materials on record including the statement of the victim. In her statement she stated she had come with the petitioner to Kolkata on the ground of medical treatment. Thereafter, she was detained for 15 days and petitioner had raped her. He had also taken a sum of Rs.6,50,000/- from her. Victim is a major and married lady. From her statement it is unclear where she was detained against her will. Credibility of her allegation of forcible confinement and rape requires to be assessed in light of the aforesaid facts at the

appropriate state of the proceeding. Nothing is placed on record with regard to transfer of funds in the petitioner's name.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner subject to conditions.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Paritosh Hazra** 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 subject to the conditions as laid down under Section 482(2) of the BNSS and on further condition petitioner while on bail shall meet the Investigating Officer once in a month until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)