

C. R. M. (A) 229 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 16.01.2025 in connection with Nakashipara Police Station Case No.910 of 2024 dated 05.10.2024 under Sections 115(2)/117(2)/118(2)/329(2)/62/64/75/76/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Golam Gaush Biswas***

... .. Petitioner

Mr. Amanul Islam
Mr. Sourav Mukherjee

... .. for the petitioner

Mr. Partha Pratim Das

... .. for the de-facto complainant

Mr. Binay Kumar Panda
Ms. Jonaki Saha

... .. for the State

1. It is submitted on behalf of the petitioner there was prior enmity between the parties. A skirmish ensued. Case and counter-case were registered. Allegation of attempt to rape is an embellishment. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. He submits petitioner had trespassed into the house and attempted to rape his client.
4. We have considered the materials on record. It is contended there was prior enmity between the parties. While petitioner contends over this issue there is case and counter-case, de-facto complainant submits petitioner and his associates were assaulted after the incident. Whether the allegation of attempt to rape is an embellishment due to

prior enmity may be assessed at the appropriate stage of the proceeding. Keeping in mind the totality of the circumstances, we are of the opinion though custodial interrogation of the petitioner is not necessary, his movement requires to be restricted in order to instil confidence in the minds of the victim and other witnesses.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Golam Gaush Biswas**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Nakashipara Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the jurisdictional court and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. Petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)