

06.02.2025
22.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 279 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Harishchandrapur Police Station Case No. 993 of 2024 dated 23.11.2024 under Sections 64(1)/351(3) of BNS.

And

In Re: **Sajabul Hoque @ Hayat.**

... .. Petitioner

Mr. Kallol Mondal, Sr. Adv.
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Akbar Laskar.

.... for the petitioner

Mr. Binay Kumar Panda,
Ms. Dona Sanyal.

.... for the State

1. Petitioner contends there is prior dispute between the parties. Earlier a criminal case was registered against him. He was granted pre-arrest bail. Subsequently, he has been falsely implicated in the present case. Accordingly, he prays for anticipatory bail.

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

3. We have considered the materials on record. There is a land dispute between the parties. In 2023 a criminal case was registered alleging petitioner had attempted to rape the victim. He was granted pre-arrest bail. Subsequently, he has again been implicated at the behest of the victim. Credibility of the victim's allegation has to be assessed in light of prior enmity at the appropriate stage of the proceeding.

4. Under such circumstances, we are of the opinion though custodial interrogation of the petitioner is not necessary but his movement requires to be restricted to instill confidence in the mind of the victim.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Sajabul Hoque @ Hayat** 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner shall not enter the jurisdiction of Harishchandrapur Police Station except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the investigating agency and to the trial Court and shall report to the Officer-in-Charge of the police station concerned where he shall presently reside once in a week until further orders. He 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.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)