

13.02.2025

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Allowed

C.R.M. (A) No. 314 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Hariharpara Police Station Case No. 890 of 2024 dated 18.12.2024 under Sections 329(3)/74/78/79/64/62/351(3) of the BNS.

And
In Re : Marjum Mondal @ Marjam Ali petitioner

Mr. Jisan Iqubal Hossain
.....for the petitioner

Mr. Kaushik Biswas
Mr. Abhinaba Mukherjee
....for the State

1. Learned Counsel for the petitioner submits the allegation of attempt to rape is out and out false. Petitioner has been falsely implicated. He prays for anticipatory bail.

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

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

4. We have considered the materials on record including statement of the victim. Petitioner is a septuagenarian and has been falsely implicated. Credibility of the victim's version with regard to attempt to rape has to be seen in the backdrop of the attending circumstances at the appropriate stage of the proceeding. Accordingly, 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.)