

17.02.2025
12
as
[ALLOWED]

C. R. M. (A) 390 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Banshihari Police Station Case No. 264 of 2024 dated 23.07.2024 under Sections 70(1) of BNS, 2023.

In Re: Ashik Hossain.

... .. Petitioner

Mr. Asim Kr. Chakraborty.
... .. for the Petitioner

Mr. Ranabir Roy Chowdhury,
Ms. Rita Datta.
... .. for the State

Ms. Sudeshna Das.
...for the de-facto complainant.

1. Petitioner is the step son of the victim lady. It is contended there was a domestic dispute and petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant submits she does not wish to oppose the prayer for pre-arrest bail.
4. We have considered the materials on record including her statement before the Magistrate. In her statement it is alleged she is the second wife and petitioner and one Alim Hossain are her step sons from the first marriage. It is further alleged there was a domestic dispute between the parties and petitioner and his brother had committed rape in the presence of their own father.

5. Facts and circumstances in which the rape is alleged to have been committed appears to be most unnatural and does not inspire confidence. It is also relevant to note the allegation of rape is vague and bereft of material particulars with regard to date and time.

6. In such view of the matter, we are inclined to grant anticipatory bail to the petitioner.

7. Accordingly, we direct that in the event of arrest, the petitioner viz., Ashik Hossain 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. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Partha Sarathi Sen , J.)

(Joymalya Bagchi, J.)