

13.02.2025
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as
[ALLOWED]

C. R. M. (A) 355 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Manikchak Police Station Case No. 253 of 2024 dated 03.04.2024 under Sections 448/323/354/376/511/34 of the Indian Penal Code.

In Re: Sk. Sintu.

... .. Petitioner

Ms. Sujata Das.

... .. for the Petitioner

Mr. Debabrata Chatterjee, Ld. Jr. Govt. Adv.,
Mr. Rajesh Jana.

... .. for the State

Mr. Shah Jamal Hazra.

...for the de-facto complainant.

1. It is contended there is prior enmity and petitioner has been falsely implicated. 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 oppose the prayer for anticipatory bail.
4. We have considered the materials on record including the statement of the victim. In her statement, victim alleges petitioner had trespassed into the house and was searching for her father who had lodged a case against him. Subsequently, he tried to rape her. Whether allegation of attempt to rape is an embellishment due to prior enmity may be assessed at the appropriate stage of the proceeding. However, in view of the facts

and circumstances of the case, we are of the opinion though custodial interrogation of the petitioner is not necessary but movement of the petitioner requires to be restricted in order to instill confidence in the mind of the victim.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Sk. Sintu Sk** 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 that the petitioner while on bail shall not enter the jurisdiction of Manikchak Police Station and shall provide the address where he shall reside to the Investigating Officer as well as the jurisdictional court and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)