

07.02.2025
Sl. No.12
akd
[ALLOWED]

C. R. M. (A) 364 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27.01.2025 in connection with Krishnagar Women Police Station Case No.71 of 2024 dated 10.08.2024 under Sections 329(4)/64/62/115(1)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.3648 of 2024)

And

In Re: **XXX**

... .. Petitioner

Mr. Sabyasachi Bhattacharjee
Mr. Avijit Ganguly

... .. for the petitioner

Mr. Debapriya Samanta
Mr. Suhotro Palit

... .. for the de-facto complainant

Mr. Atif Ahmed Siddiqui

... .. for the State

1. Petitioner is the brother-in-law of the victim lady.
2. It is submitted on behalf of the petitioner that he and other in-laws have been falsely implicated. Allegation of attempt to rape is an embellishment. Accordingly, he prays for anticipatory bail.
3. Learned Advocate for the State opposes the prayer for anticipatory bail.
4. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.
5. We have considered the materials on record. Petitioner is the brother-in-law of the victim lady. Her husband had expired. It is contended there is dispute between the victim and her in-laws. Though it is alleged on 09.07.2024 the victim had been dragged, physically assaulted and sexually abused, no physical injury is noted in the medical papers. There is delay in lodging FIR. Possibility of false

implication due to prior enmity cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

6. Accordingly, we direct in the event of arrest, the accused/petitioner 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 shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)