

18.02.2025

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Allowed

C.R.M. (A) No. 456 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Uttar Kashipur Police Station Case No. 40 of 2024 dated 24.02.2024 and previously Kashipur Police Station Case No. 521 dated 10.11.2023 under Sections 363/365/376(n)/379 Indian Penal Code.

And

In Re : Najbul Molla @ Najmul Molla petitioner

Mr. Pradip Kumar Kundu

.....for the petitioner

Mr. Debashis Roy, learned PP

Mr. Saryati Datta

Ms. Sima Biswas

.....for the State

1. Learned Counsel for the petitioner submits he had a romantic relationship with the victim prior to her marriage. After her marriage he has been falsely implicated in the case alleging abduction and rape. Alleged abduction is said to have taken place at a busy thoroughfare on 04.11.2023 and the victim returned to her residence on 09.11.2023. No complaint was lodged in the interregnum. Only after the victim returned it was alleged that she had been forcibly abducted and raped. Allegation of abduction and rape is an afterthought to cover the victim's voluntary elopement. Hence, he prays for anticipatory bail.

2. Learned Public Prosecutor opposes the prayer for anticipatory bail and submits victim had been gagged and had

become senseless. She was kept detained in a house and forcibly raped.

3. We have considered the materials on record. Petitioner and the victim had a romantic association prior to her marriage. It is alleged after her marriage on 04.11.2023 petitioner and another person had abducted her in a motor-bike. They had gagged her and she had become senseless. She was kept detained for four days and raped. On 09.11.2023 she was taken in a motor-cycle and dropped. Thereafter she informed her husband and FIR came to be registered. Even if one accepts the prosecution case that petitioner and his associate had forcibly abducted the victim after she had become senseless it is inexplicable why no contemporaneous complaint was lodged by the victim's family or by her husband during the period she is said to have been detained by the petitioner. Only after she had been released FIR alleging abduction and rape was lodged. Defence version that the allegation of abduction and rape is an afterthought in order to cover the victim's voluntary leaving her matrimonial home does not appear to be improbable. Under such circumstances we are inclined to grant anticipatory bail to the petitioner, however subject to condition.

4. 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 further condition that he shall meet the investigating officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)