

19.02.2025

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Rejected

C.R.M. (A) No. 472 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Gosaba Police Station Case No. 297 of 2024 dated 15.10.2024 under Section 329(4)/64(1)/351(3) of the BNS.

And

In Re : Palash Mondal petitioner

Mr. Subhabrata Chowdhury
Ms. Tripti Pandey

.....for the petitioner

Mr. Iqbal Kabir
Mr. Abhishek Verma

..... for the State

1. Learned Counsel for the petitioner submits his wife had lodged FIR alleging victim's husband and son had outraged his modesty. In retaliation the present case has been registered. He prays for anticipatory bail.

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

3. We have considered the materials on record including the statement of the victim lady. In her statement victim stated petitioner was known to her. He had come to her residence on 14.10.2024 at night. Her husband was absent at that time. As he was known to her she opened the door and petitioner committed rape. She protested. At that time her husband and son came and detained the petitioner. Petitioner's wife was called to the spot and it is alleged she concocted a false

case of outraging modesty to save her husband. Statement of the victim appears to be probable and explains away the other case registered by the petitioner's wife.

4. Given this situation, we are of the opinion in light of gravity of the offence and involvement of the petitioner therein this is not a fit case to grant anticipatory bail to him.

5. Accordingly, prayer for anticipatory bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)