

21.02.2025
35.
Ct. No. 28
SG
[Allowed]

C. R. M. (A) 495 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No. 2109 of 2024 dated 25.12.2024 under Sections 329(4)/64/351(3)/79 of BNS.

And

In Re: **Ashik Hossain.**

... ... Petitioner

Ms. Shabana Hasin,
Ms. Samima Akter.

... for the petitioner

Md. Anwar Hossain,
Ms. S. Chatterjee

.... for the State

1. Petitioner submits he has been falsely implicated in the alleged offence. There is delay in lodging FIR. Accordingly, he prays for anticipatory bail.
2. Learned Advocates for the State opposes the prayer for anticipatory bail.
3. Nobody appears for the victim.
4. We have considered the materials on record including statement of the victim. In her statement victim alleged petitioner used to call her and make indecent proposal. On 03.12.2024 he came into the house forcefully and committed rape. Victim's statement throws up a number of improbabilities. It is unclear how the petitioner, whose indecent proposal rebuffed earlier, got access to the victim on the fateful night. This is further compounded by delay of 21 days in lodging FIR. Credibility of the allegation of forcible rape has to be assessed in

light of the aforesaid circumstances during trial. Custodial interrogation for progress of investigation is not necessary.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

6. 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 Bharatiya Nagarik Suraksha Sanhita, 2023. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

7. Application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)