

C. R. M. (A) 596 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 14.02.2025 in connection with Domkal Police Station Case No.10 of 2025 dated 06.01.2025 under Sections 85/74/76/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.66 of 2025)

And

In Re: **XXX**

... .. Petitioner

Md. Golam Nure Imrohi

... .. for the petitioner

Mr. Sujan Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is the brother-in-law of the victim lady. He was working in Kerala. His brother had divorced the lady in December, 2024. Petitioner has been falsely implicated in the case. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record including the statement of the victim. Victim lady alleged she was tortured over demands of dowry. On 03.01.2025 petitioner had disrobed and attempted to rape her. Though petitioner contends he was not present at the place of occurrence and was working in Kerala, apart from a bald statement no convincing material in support of the *alibi* is placed on record. However, it cannot be denied there was matrimonial dispute and possibility of false implication is not wholly improbable. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail however, subject to strict conditions.

4. 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 meet the Investigating Officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)