

03.03.2025
15.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 620 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nabagram Police Station Case No. 530 of 2024 dated 06.11.2024 under Sections 376/363/365/344/120B/506 of the IPC and Sections 4/6/17 of POCSO Act.

And

In Re: **Malay Kabiraj @ Moloy Kabiraj.**

... .. Petitioner

Md. Wasim Akram.

... .. for the petitioner

Mr. Jaydeep Roy,
Md. Ejaj Akhter.

... .. for the State

1. Inadvertent typographical error had crept into the order dated 21.02.2025.
2. In the cause title of the order dated 21.02.2025 names of the learned advocates for the State be read as 'Mr. Jaydeep Roy with Md. Ejaj Akhter' in place and stead of 'Ms. Sayanti Santra with Ms. Suparna Chatterjee'.
3. Petitioner submits he is the brother-in-law of the victim girl. He has been falsely implicated due to matrimonial dispute. Accordingly, he prays for anticipatory bail.
4. Learned Counsel for the State submit victim is a minor and petitioner had raped her.
5. We have considered the materials on record. Victim and co-accused Monoranjan Madhusudan Kabiraj @ Monoranjan Kabiraj fell in love with one another. Though victim was minor they eloped and started living as husband and wife. During their

brief matrimonial period disputes cropped up and it is alleged petitioner i.e. her brother-in-law raped her.

6. We have perused the statement of the victim. Allegation of rape is bereft of material particulars with regard to date and time. Possibility of false implication of the brother-in-law i.e. the petitioner due to matrimonial discord cannot be ruled out.

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

8. Accordingly, we direct that in the event of arrest, the petitioner viz., **Malay Kabiraj @ Moloy Kabiraj** 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)