

C. R. M. (A) 743 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 18.02.2025 in connection with Islampur Police Station Case No.715 of 2024 dated 24.12.2024 under Sections 79/329(4)/64(1)/351(2) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.6397 of 2024)

And

In Re: **XXX**

... .. Petitioner

Mr. Parthapratim Das
Mr. Monajit Chakraborti

... .. for the petitioner

Mr. Tapodip Gupta

... .. for the de-facto complainant

Mr. Suman De
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he had an amorous relationship with the victim. Subsequently, he married her sister. Out of grudge, he has been falsely implicated. There is delay in lodging FIR. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner had taken obscene pictures of the victim and raped her. Obscene pictures were sent to her husband who had deleted them.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record including the statement of the victim. From her statement it appears petitioner had married her younger sister. On 10.11.2024 when victim came to her parental home, petitioner had taken her obscene pictures and raped

her. He had also threatened her that he would circulate the pictures to others. Though victim's husband contends he had received obscene pictures, no electronic records could be collected during investigation as he contended they had been deleted. No material is placed on record to show alleged obscene pictures had been circulated to others. There is delay in lodging FIR. Possibility of false implication cannot be ruled out.

5. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

6. 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 appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)