

C. R. M. (A) 731 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 21.02.2025 in connection with Nakashipara Police Station Case No.16 of 2025 dated 05.01.2025 under Sections 85/64/62/115(2)/117(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **XXX**

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Avijit Ganguli
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mrs. Sujata Das
Ms. Jonaki Saha

... .. for the State

1. It is submitted on behalf of the petitioner that he is the brother-in-law of the victim lady. There is a matrimonial dispute between the victim and her husband. As a result, petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. She alleges petitioner used to give indecent proposals and tried to rape her. Allegations with regard to outraging modesty/attempt to rape are bereft of material particulars with regard to date and time. Possibility of false implication owing to matrimonial dispute cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)