

08.01.2025
19.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4436 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 in connection with Balurghat Police Station Case No. 662 of 2024 dated 16.08.2024 under Sections 329(4)/324(4)/74/64/62/351(2)/3(5) of BNS with Sections 4/18 of POCSO Act.

And

In Re: **Sujit Hembram.**

... .. Petitioner

Ms. Sujata Das.

.... For the petitioner

Mr. Soumik Ganguly,
Mr. Aritra Bhattacharya.

.... For the State

1. Petitioner contends his sister had been raped by the son of the *de facto* complainant. In retaliation the present case has been lodged. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Nobody appears for the victim.
4. We have considered the materials on record. We have also examined the statement of the victim. Though petitioner is known to the victim, in her statement she did not identify the petitioner as the assailant. An earlier criminal case was lodged against the victim's brother by the petitioner's sister alleging rape. Possibility of false implication cannot be ruled out. Co-accused has been granted anticipatory bail.
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., **Sujit Hembram** 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 and on further condition petitioner while on bail 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)