

06.01.2025
Sl. No.9
akd
[ALLOWED]

C. R. M. (A) 4566 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 17.12.2024 in connection with Tehatta Police Station Case No.267 of 2023 dated 04.04.2023 under Sections 498A/325/376/34 of the Indian Penal Code.

And

In Re: **Krishna Mandal**

... .. Petitioner

Mr. Sabir Ahmed
Mr. Shraman Sarkar
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Mr. Ezaz Ahmed

... .. for the petitioner

Mr. Prasun Kumar Datta
Ms. Atulya Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is a friend of the de-facto complainant's husband. De-facto complainant and her husband were married for eleven years. Allegation that petitioner continuously raped the de-facto complainant is bereft of material particulars with regard to date and time. There is delay in lodging FIR. Investigation is complete. 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 de-facto complainant.
4. We have considered the materials on record including the statement of the de-facto complainant. From her statement it appears her husband was an alcoholic. Petitioner is his friend and it is alleged he used to rape the victim regularly. She had kept quiet and belatedly lodged FIR. Allegation with regard to rape is bereft of material particulars with regard to date and time. De-facto complainant contends

she kept quiet bearing in mind the future of her child. Credibility of this explanation coupled with vague and omnibus nature of allegation requires to be assessed at the appropriate stage of the proceeding. Possibility of roping in the petitioner who is her husband's friend owing to matrimonial dispute cannot be ruled out. Investigation is complete. 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, namely, ***Krishna Mandal***, 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.)