

07.01.2025
14.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4625 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nakashipara Police Station Case No. 794 of 2024 dated 01.09.2024 under Sections 64/351(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Nasimuddin Sekh @ Sk.**

... .. Petitioner

Mr. Amanul Islam,
Mr. Sourav Mukherjee.

... .. for the petitioners

Mr. Ranabir Roychowdhury,
Ms. Snigdha Saha.

... .. for the State

1. Petitioner contends there is delay in lodging FIR. Allegation of attempt to rape is false. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. Learned Advocate for the *de facto* complainant also opposes the prayer for anticipatory bail.

4. We have considered the materials on record. It is alleged petitioner used to teach the victim's son. Petitioner came to the residence when the said boy was absent. In this situation, it is alleged petitioner tried to rape the victim. However, there is delay in lodging complaint. Credibility of the victim's statement has to be assessed in light of attending circumstances during trial. Progress of investigation does not require custodial interrogation.

Keeping in mind the aforesaid aspects, we are of the opinion though custodial interrogation for progress of investigation is not necessary, movement of the petitioner requires to be restricted in order to intill confidence in the mind the victim.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Nasimuddin Sekh @ Sk** 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 not enter the jurisdiction of Nakashipara Police Station and shall provide the address where he shall presently residing to the investigating agency and to the trial Court and shall report to the Officer-in-Charge of the police station concerned where he shall presently residing 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.)