

15.04.2024
Item No.56
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1300 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **70 of 2024** dated **01.02.2024** under Sections **376/417/506/120B** of the Indian Penal Code, 1860 now pending before the Court of Learned Additional Chief Judicial Magistrate, Ranaghat. (G.R. Case No.426 of 2024)

And

In Re : Biswajit Sarkar & Ors.

..... petitioners

Mr. Debasis Kar
Mr. Arka Tilak Bhadra
Ms. Jagori Mitra

.....for the petitioners

Mr. Arnab Chattejee
Ms. Nandini Chatterjee

....for the State

Mr. Syed Nasim Acjaz
... for the de facto complainant.

1. Petitioners submit de facto complainant is a divorcee.

She entered into consensual relationship with the petitioner no.1. Petitioner nos.2 and 3 are his relations. Ingredients of offences of rape are not disclosed. They pray for anticipatory bail.

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

3. Learned Lawyer for the de facto complainant submits petitioner no.1 cohabited with the de facto complainant on the false promise of marriage. Subsequently, when she insisted on marriage, petitioner no.1 assaulted and threatened her.

4. We have considered the materials on record. De facto complainant was a divorcee. She voluntarily entered into

a relationship with the petitioner no.1. Whether the petitioner no.1 intended not to marry the de facto complainant at the inception of the relationship requires to be assessed at the appropriate stage of the proceeding. However, in the facts and circumstances of the present case, we are of the opinion custodial interrogation of the petitioners for progress of investigation is not necessary and they may be granted anticipatory bail but petitioner no.1 is required to cooperate with the investigation in accordance with law.

5. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before jurisdictional Court and pray for regular bail within a period of four weeks from date and on further condition that petitioner no.1 shall meet the Investigating Officer once a month until further orders.
6. The prayer for anticipatory bail of the petitioners is allowed.
7. **C.R.M. (A) No. 1300 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)