

04.09.2024
SL No.11
Court No.29
(gc)
(Allowed)

CRM (A) 2954 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Dum Dum Police Station Case No.249 of 2024 dated 08.07.2024 under Sections 417/376 of the Indian Penal Code.

And

In the matter of : **Saurabh Agarwal**

- Petitioner.

Md. Abdur Rakib,
Mrs. Geetika Agarwal,
Mr. Mojahid Mehedi

....For the Petitioner.

Mr. Bidyut Kumar Roy,
Mr. Debarshi Brahma

... For the State.

Mr. Bibaswan Bhattacharya

....For the De facto Complainant.

1. The learned Counsel for the petitioner submits that the petitioner had developed a relationship with the de facto complainant and the complaint lodged by the petitioner regarding their physical intimacy was voluntary and with her frivol. The allegation levelled against the petitioner is false and engineered with oblique purpose.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C.
3. The learned Counsel for the de facto complainant submits that the petitioner induced her to enter into a physical relationship with a representation that he is a divorcee and shall marry the de facto complainant. On such false assurance, intimacy

developed and from time to time the de facto complainant used to give him money allegedly for his business purpose with the assurance that such amounts shall be returned.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and, *prima facie*, it appears that two adult persons have entered into a consensual physical relationship knowing fully well the pros and cons of such relationship and it appears that the dispute arose with regard to the repayment of certain amounts which were presumably given to the de facto complainant on assurance that such moneys would be repaid, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Saurabh Agarwal**, shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. once in a week till the submission of the final report.
6. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate at Barrackpore, North 24 Parganas in connection with G.R. Case No.4634 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)