

24.09.2024
AD-08
Court No.29
TN
(Allowed)

CRM (A) 3315 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Harishchandrapur Police Station Case No. 787 of 2024 dated 06.09.2024 under Section 69 of the BNS.

And

In the matter of: **Gul Mohammad @ Gul Mahammad Rajak**
.... petitioner

Mr. Usaf Ali Dewan,
Mr. Asif Dewan,
Mr. Saptarshee Pakrashy
....for the petitioner

Mr. Debabrata Chatterjee, Ld. APP,
Mr. Dipankar Paramanick
....for the State

Mr. Asfak Ahammed,
Ms. Shanta Sarkar
....for the *de facto* complainant

Ms. Tannistha Bandyopadhyay
....for the victim

1. Heard the learned counsel for the parties.
2. The learned counsel for the *de facto* complainant has submitted that the lady constable accompanying her to the hospital did not allow her to perform her medical. She has been ravished by the petitioner on the false promise of marriage.
3. The learned counsel for the State has produced the case diary.
4. It is not in dispute that the *de facto* complainant is a married lady and she claimed to be in relationship with the present petitioner. *Prima facie*, it shows that the relationship was consensual and being a matured lady, she knew the

consequence of having a physical relationship with the present petitioner. She is married.

5. On such consideration, we are of the view that custodial interrogation of the petitioner is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Gul Mohammad @ Gul Mahammad Rajak** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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.
7. The petitioner shall meet the Investigating Officer once in a week till submission of the final report.
8. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within ten days from date.
9. The report is kept with the record.
10. Accordingly, the application for anticipatory bail is disposed of.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)