

26.09.2024
SL No.15
Court No.29
(gc)
(Allowed)

CRM (A) 3369 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Tehatta Police Station Case No.552 of 2024 dated 28.07.2024 under Sections 69/115(2)/3(5) of the Bharatiya Nayay Sanhita, 2023.

And

In the matter of : **Sourav Biswas**

- Petitioner.

Mr. Asraf Mondal,
Md. Bani Israil

....For the Petitioner.

Ms. Minoti Gomes,
Mr. Dipankar Mahata

... For the State.

Mr. Abhinav Rakshit

....For the De facto Complainant.

1. Affidavit-of-service filed in Court is taken on record.
2. Heard the learned Counsel for the parties.
3. It appears from the case diary that the de facto complainant claimed to have married to the petitioner during the pendency of this application. Both were adult and the relation appears to be consensual. It is alleged that after some time, the petitioner left the de facto complainant and during their cohabitation there has been physical relationship. It is further alleged that she was pregnant and the petitioner is responsible for the miscarriage. However, no such record is available from the case diary. It appears that the de facto complainant has refused medical examination.
4. On such consideration, 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, **Sourav Biswas**, 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 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet with I.O. once in a week till the submission of the final report.
6. It is also directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia in connection with SL. No.1589 of 2024 within two weeks from date.
7. It is further directed that the petitioner shall not leave the jurisdiction of Tehatta, Nadia except for the purpose of meeting the I.O. and/or attending the Court without the express leave of the trial Court.
8. The report filed by the State is kept with the record.
9. Accordingly, the application for anticipatory bail is disposed of.
10. 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.)