

12.11.2024
Sl. No.7
akd
[ALLOWED]

C. R. M. (A) 3797 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 04.10.2024 in connection with Barrackpore Women Police Station Case No.52 of 2024 dated 05.07.2024 under Sections 69/351(2)/3(5) of the Bharatiya Nyay Sanhita, 2023 with added Sections 376/417 of the Indian Penal Code. (G.R. Case No.4548 of 2024)

And

In Re: ***Subhadeep Sarkar @ Prasun Sarkar***

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Soham Kumar Roy
Mr. Soham De Dhara
Mr. Alminhaz Karim

... .. for the petitioner

Mr. Binay Kumar Panda
Ms. Debanita Das

... .. for the State

1. It is submitted on behalf of the petitioner there was an intimate relationship with the victim for two years. Subsequently, the relationship soured and petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner is a local councillor and cohabited with the victim on the false promise of marriage.

3. In spite of notice, nobody appears for the victim.

4. We have considered the materials on record including the statement of the victim. In her statement she admitted there was a romantic relationship between herself and the petitioner for two years. She cohabited on the promise of marriage. Subsequently petitioner refused to marry. She came to know petitioner was a married person. Petitioner is a local councillor and is well known in the area. He and the victim do not stay at far off places. Credibility of her version that she

was unaware of the marital status of the petitioner has to be assessed in light of the aforesaid circumstances at the appropriate stage of the proceeding. Undeniably there was free mixing between the parties.

5. Under such circumstances, we are of the opinion though custodial interrogation of the accused/petitioner is not necessary and he may be granted anticipatory bail, he requires to cooperate with the investigation.

6. Accordingly, we direct in the event of arrest, the accused/petitioner, namely ***Subhadeep Sarkar @ Prasun Sarkar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 that the petitioner shall meet the Investigating Officer 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.)