

05.11.2024
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[ALLOWED]

C. R. M. (A) 3752 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tiljala Police Station Case No. 270 of 2024 dated 30.06.2024 under Sections 498A/323/406/307/341/506 of the Indian Penal Code read with Section 3 / 4 of the Dowry Prohibition Act adding Section 313 of the Indian Penal Code.

In Re: ***Ripon Saha***.

... ... Petitioner

Mr. Sourav Chatterjee,
Md. Shamimuddin,
Sk. Samiul Haque,
Ms. Oindrilla Ghosh.

... ... for the petitioner

Mr. Rudradipta Nandy, Id. A.P.P.,
Md. Adil Badr, Id. Jr. Govt. Adv.,
Ms. Baishakhi Chatterjee.

... ... for the State

Mr. Pradip Kundu,
Ms. Priya Ghosal,
Mr. Krishna Yadav,
Mr. Kaustav Sen,
Mr. Sahil Kabir.

...for the de-facto complainant.

1. Petitioner is a member of the police force. He submits he was falsely implicated by the victim for ulterior motive. Allegation that he intentionally dashed his car into a lorry to cause miscarriage is patently absurd. De-facto complainant had lodged general diary herself stating that a lorry had dashed into her vehicle. Other allegation, that is threatening and attempting to strangle her at a *dhaba* is also patently false. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioner is a member of a disciplined force and had conducted himself in an unbecoming manner. Disciplinary proceeding has been initiated against him. He cohabited with the de-facto complainant and demanded money. He also threatened her and caused miscarriage.

3. Learned Advocate for the de-facto complainant opposes the prayer for anticipatory bail. He submits petitioner had suppressed that he was a married man and cohabited with her. While she was pregnant, he intentionally dashed his vehicle into a lorry to cause miscarriage. He had demanded large sums of money and threatened her.

4. We have considered the rival submissions at the bar. From the materials on record, it appears parties had developed an intimate relationship and were living together. Statement of the de-facto complainant before Magistrate shows during the cohabitation, she came to know that the petitioner was a married man and was intending to divorce his wife. In spite of such knowledge, she continued relationship and became pregnant. In respect of the allegation of causing miscarriage, we note the de-facto complainant herself reported to police that a lorry had dashed into her vehicle. This had caused the miscarriage. The other allegation of strangulating her at a *dhaba* appears to be an embellishment.

5. We are of the view conduct of a married police personnel in cohabitating with another individual is unbecoming of his status. However, in view of the limited scope of the present

application seeking protection from incarceration, it would suffice to record that it is for his employer to take appropriate action against him. We are informed departmental proceeding has already been initiated against him. Authority concerned is directed to take the departmental proceeding to its logical conclusion in accordance with law.

6. Under such circumstances, we are of the opinion petitioner may be granted anticipatory bail subject to conditions.

7. Accordingly, we direct that in the event of arrest, the petitioner viz., **Ripon Saha** be released on bail upon furnishing a bond of Rs.10,000/-, 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 BNSS and on further condition petitioner while on bail shall not enter the jurisdiction of Panihati and Tiljala Police Station within whose jurisdiction the de-facto complainant is ordinarily residing and he shall not in any way contact the de-facto complainant physically or through electronic means in any manner whatsoever. He shall appear before the court below and pray for regular bail within four weeks from date.

8. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)