

25.11.2024
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Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 3954 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 Kalyani Police Station Case No. 690 of 2024 dated 01.09.2024 under Sections 69/351(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Ayan Paul.**

... .. Petitioner

Mr. Mrinal Kanti Mukherjee.

... .. for the petitioner

Mr. Sandip Chakraborty,
Mr. D. Das.

... .. for the State

Mr. Argha Das,
Mr. Rajkumar Sain,

... for the de facto complainant

1. Petitioner submits victim is a married lady and was an adult at the time of cohabitation. Allegation of rape is out and out false. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. Learned lawyer for the *de facto* complainant contends petitioner is threatening to kidnap her two minor children.
4. We have considered the materials on record including statement of the victim lady. She stated she was married at the time when she came in contact with the petitioner. They had cohabited. Subsequently, petitioner had refused to marry. Whether cohabitation was out of love or out of coercion requires to be assessed at the appropriate stage of the proceeding.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner subject to strict conditions in order to allay the apprehension of the *de facto* complainant-victim with regard to threat.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Ayan Paul** 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner while on bail shall not enter the jurisdiction of Kalyani Police Station until further orders. He shall not contact victim and her family members directly, electronically or otherwise. 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.)