

21.11.2024
Sl. No.35
akd
[ALLOWED]

C. R. M. (A) 4042 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 08.11.2024 in connection with KLC Police Station Case No.82 of 2024 dated 05.09.2024 under Sections 417/376/312/506/120B of the Indian Penal Code. (G.R. Case No.6308 of 2024)

And

In Re: ***Rajib Mondal***

... .. Petitioner

Mr. Sayan Banerjee

... .. for the petitioner

Ms. Usha Parvin

... .. for the de-facto complainant

Mr. Santanu Talukdar

... .. for the State

1. It is submitted on behalf of the petitioner that he developed intimate relationship with the victim. Subsequently, petitioner came to know victim was married. She started blackmailing the petitioner and he was compelled to report the matter to police. In retaliation, instant case was registered. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail and submits her client is a hapless lady who was working in a hosiery factory. Petitioner was a co-worker. He promised marriage and cohabited with her. He took money from her. As a result of cohabitation, she became pregnant. Petitioner induced her to abort the child. Presently he has refused to marry.
4. We have considered the materials on record. Victim is a married lady. Petitioner and the victim were co-workers in a hosiery factory. They developed a relationship and cohabited. Whether the relationship

was out of love or on the false promise of marriage has to be considered in light of the aforesaid circumstances at the appropriate stage of the proceeding. In such view of the matter, we are of the opinion though custodial interrogation of the accused/petitioner is not necessary, in order to instil confidence in the mind of the victim who resides and/or works for gain within the district of South 24-Parganas, movement of the petitioner needs to be restricted so that he may not have access with the victim directly, electronically or otherwise.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely **Rajib Mondal**, 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, while on bail, shall not enter the district of South 24-Parganas and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall not contact the victim directly, electronically or otherwise. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. It is contended investigation of the present case is being conducted by a police officer who is also investigating the case registered by the petitioner.

7. We take note of the submission that investigation is conducted by a police officer who is also conducting the case registered by the petitioner. In order to ensure fair and impartial investigation, we direct Deputy Commissioner of Police, Bhangar Division to transfer the

investigation to another Investigating Officer preferably a lady officer who shall conduct the investigation in a fair and impartial manner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)