

25.11.2024
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as
[ALLOWED]

C. R. M. (A) 4081 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nimta Police Station Case No. 332 of 2024 dated 27.10.2024 under Sections 64/316(2)/318(4)/110 of Bharatiya Nyaya Sanhita, 2023.

In Re: ***Gopinath Roy.***

... .. Petitioner

Mr. Ranjan Saha,
Ms. Ankita Saha.

... .. for the petitioner

Ms. Sayanti Santra,
Ms. Jonaki Saha.

... .. for the State

Mr. Akash Sakar.

....de-facto complainant.

1. Petitioner submits victim is an adult lady and allegation of rape through deception or coercion is out and out false. 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 submits petitioner suppressed he was a married man and had cohabited with her. He blackmailed her by threatening to upload her pictures in social media and made her cohabit with another person.

4. We have considered the materials on record as well as the statement of the victim lady. From her statement, it appears there was a relationship between the parties since 2021. Whether the victim was unaware of the marital status of the petitioner has to be assessed in light of the length of their

relationship at the appropriate stage of the proceeding. Nothing is placed on record to support the allegation that petitioner was made to cohabit with another person. Identity of that person has not been disclosed.

5. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail subject to conditions.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Gopinath Roy** 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. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date and on further condition petitioner while on bail shall not contact directly, electronically or otherwise with the victim.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)