

09.12.2024
Sl. No.30
akd
[ALLOWED]

C. R. M. (A) 4101 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 19.11.2024 in connection with Dum Dum Police Station Case No.417 of 2024 dated 13.11.2024 under Sections 318(2)/69/115(2)/79 of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.7828 of 2024)

And

In Re: ***Kiranmoy Gokulchandra Biswas @ Krinmoy Biswas & Anr.***
... .. Petitioners

Mr. Pinak Kumar Mitra
Ms. Pallavi Pain

... .. for the petitioners

Mr. Akash Sarkar

... .. for the de-facto complainant

Mr. Avishek Sinha
Mr. Aslam Parvez

... .. for the State

1. It is submitted on behalf of the petitioners that they are the parents of the principal accused. It is further submitted petitioners have been falsely implicated. Accordingly, they pray 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.
4. We have considered the materials on record including the statement of the de-facto complainant/victim. She alleges she had cohabited with the principal accused i.e. the son of the petitioners on the false promise of marriage. Petitioner no.2 had misbehaved with her. Whether the cohabitation was out of love or due to deception may be assessed at the appropriate stage of the proceeding. Keeping in mind the extent of complicity of the petitioners in the crime, we are of the

opinion their custodial interrogation is not necessary and they may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the petitioners, namely, **(1) Kiranmoy Gokulchandra Biswas @ Krinmoy Biswas & (2) Swapna Kiranmoy Biswas @ Swapna Biswas**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)