

09.12.2024
Sl. No.42
akd
[ALLOWED]

C. R. M. (A) 4160 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 21.11.2024 in connection with Krishnagar Kotwali Police Station Case No.1124 of 2024 dated 09.10.2024 under Sections 64/351(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Nilratan Majumder***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Ms. Manasi Roy

... .. for the de-facto complainant

Mr. Subhomoy Bhattacharya
Ms. Poulami Bose

... .. for the State

1. It is submitted on behalf of the petitioner victim is a major lady and had cohabited out of her own volition. It is further submitted petitioner has been falsely implicated. 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. He submits petitioner had suppressed his marital status and cohabited.
4. We have considered the materials on record. Victim was an adult lady at the time of cohabitation. It is contended she was unaware of the marital status of the petitioner. However, the relationship continued for a protracted period of time. Whether the victim was unaware of petitioner's marital status inspite of continuous intimate relationship requires to be assessed at the appropriate stage of the proceeding.

Under such circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the petitioner, namely, ***Nilratan Majumder***, 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 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.)