

09.12.2024

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Allowed

C.R.M. (A) No. 4184 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Jhargram Police Station Case No. 334 of 2024 dated 01.11.2024 under Sections 127(4)/64(m)/351(2)(3) of the BNS.

And  
In Re : Saikat Bal ..... petitioner

Mr. Soumyajit Das Mahapatra  
Ms. Madhurai Sinha  
Mr. Ranabeer Halder  
.....for the petitioner

Mr. Suman De  
Md. Kutubuddin  
..... for the State

Mr. Partha Sarathi Mondal  
..... for the victim

1. Original documents may be kept in record.
2. Learned Counsel for the petitioner submits he is an employee of a school. Victim was a cook in the mid-day meal scheme of the said school. They developed an amorous relationship and had eloped. Subsequently at the behest of her husband petitioner had been falsely implicated. Accordingly he prays for anticipatory bail.
3. Learned Counsel for the State opposes the prayer for anticipatory bail.
4. Learned Counsel for the *de facto complainant* submits victim had been confined and made to drink stupefying substance. Thereafter she was raped.

5. We have considered the materials on record. Petitioner was working in the same school with the victim. They got acquainted. Initially victim had run away and a missing diary was registered. Subsequently she returned and complaint was withdrawn by her husband. Presently it is alleged petitioner had kidnapped her and made her drink stupefying substance. Thereafter she had been raped. These allegations require to be assessed in the light of the prior conduct of the victim who had left her matrimonial home without intimation resulting in lodging of missing diary. Possibility of an amorous relationship between the parties which was opposed by her husband cannot be ruled out. In this backdrop allegations relating to wrongful confinement and administration of stupefying substance to the victim require to be assessed at the appropriate stage of the proceeding. For this purpose, custodial interrogation of the petitioner is not necessary but petitioner requires to co-operate with investigation. Accordingly, we are inclined to grant anticipatory bail to the petitioner, however, subject to condition.

6. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court

and pray for regular bail within a period of four weeks from date and on further condition that he shall meet the investigating officer once in a week until further orders.

7. The application for anticipatory bail is, thus, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**