

11.12.2024
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as
[ALLOWED]

C. R. M. (A) 4300 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Itahar Police Station Case No. 578 of 2024 dated 21.09.2024 under Sections 69/89/351(2) of B. N. S. 2023.

In Re: ***Mahammad Rubel @ Md. Rubel.***

... ... Petitioner

Mr. Anjan Bhattacharya,
Ms. Anita Shaw.

... ... for the petitioner

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Anindya Sundar Chatterjee.

... ... for the State

Mr. Madhu Jana,
Mr. Rahul Agarwala,
Mr. Golam Zaky,
Ms. Ritika Chowdhury.

....for the de-facto complainant

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Petitioner is a medical officer where the victim was working as a nurse. They cohabited with one another. While the victim contends cohabitation was on the false promise of marriage, it is the petitioner's contention such cohabitation was out of love and no false assurance had been held out. The dichotomous stances require to be thrashed out at the appropriate stage of the proceeding. There is no evidence with regard to forcible miscarriage. However, bearing in mind the fact that the case arose out of free mixing between two adult persons in the work place, we are of the opinion petitioner may be granted anticipatory bail.

3. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Mahammad Rubel @ Md. Rubel*** 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.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)