

20.12.2024
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[ALLOWED]

C. R. M. (A) 4554 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bangaon Police Station Case No. 1140 of 2024 dated 11.12.2024 under Sections 318(2)/69 of BNS 2023.

In Re: **Abhijit Ghosh**

... ... Petitioner

Mr. Malay Bhattacharyya
..... for the petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Mr. Ranabeer Halder.
... ... for the de facto complainant

Mr. Sanjoy Bardhan
Mr. Santanu Talukdar
... ... for the State

1. Petitioner contends victim was a major lady and they cohabited voluntarily. There was no deception. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State and de-facto complainant oppose the prayer for anticipatory bail. He contends petitioner had promised to marry her.
3. We have considered the materials on record. Whether cohabitation was pursuant to promise to marry or out of love and affection requires to be assessed at the appropriate stage of the proceeding. There is no chance of abscondence.
4. Keeping in mind the nature of accusation, 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 that in the event of arrest, the petitioner 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)