

28.11.2024
SI No.33
s.biswas
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 909 of 2024

In Re: An application for anticipatory bail under Section 482 of the BNSS in connection with **Kotwali** Police Station Case No. **777/2023** dated **20.10.2023** under Sections **417/376(2)(n)/506** of the IPC.

And

In Re: **Tanmay Majumdar**

... .. Petitioner

Mr. Sandip Kumar Dutta
Mr. Ajoy Kumar Singhanian
Mr. Surojit Basu
Mr. Anshu Narayan Sarkar
Ms. Madhurima Roy

... for the petitioner

Mr. Aditi Shankar Chakraborty, APP
Mr. Subhasish Misra

... .. for the State

Mr. Bikash Singha

... for the de facto complainant

1. Learned counsel for the petitioner submits that the victim is a married lady of 40 years and has a son of 18 years. He further submits that the petitioner happens to be the classmate of the victim. Through social media they reconnected and a love relationship developed. Subsequently the said relationship became strained and the petitioner has been falsely implicated in this case.
2. The de facto complainant is present. Learned advocate submits that the petitioner had promised to marry the victim/de facto complainant, but later refused.

3. Learned APP for the State produces the case diary and vehemently opposes the prayer for anticipatory bail of the petitioner.
4. Upon perusal of the materials in the case diary and considering the age of the victim as also the statement of the victim recorded under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S.S. and the further fact that the relationship was consensual, we are of the view that custodial interrogation of the petitioner is not necessary. The benefit of Section 482 of the BNSS can be extended by granting anticipatory bail to the petitioner.
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 equal amount, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the BNSS and on further condition that the petitioners shall meet the investigating officer once in a month until further orders. The petitioner shall not keep in any contact with the victim in any manner whatsoever.
6. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)