

17.01.2025
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[ALLOWED]

C. R. M. (A) 10 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jagacha Police Station Case No. 134 of 2019 dated 07.07.2019 under Sections 417/493/376 of the Indian Penal Code.

In Re: *Deepak Choudhary*

... .. Petitioner

Mr. Biswajit Manna,
Mr. Somnath Roy.

... .. for the Petitioner

Mr. Parthapratim Das,
Mr. Sourav Nandy.

... .. for the State

Mr. Arka Ranjan Bhattacharya.

...for the de-facto complainant.

1. Petitioner is a member of the Armed Forces. He contends victim was a major lady. They had developed friendship which, however, ended in 2018. Subsequently, she lodged criminal case alleging rape. Allegation of cohabitation on the false promise of marriage is an afterthought. 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 submits the de-facto complainant-victim was a university student and had met the petitioner through a common friend in 2015. Their intimacy developed in 2016 and on the promise of marriage, she cohabited with the petitioner in Army Cantonment and hotels in

2018. Subsequently, petitioner refused to marry her. He had absconded since registration of First Information Report.

4. We have considered the materials on record. De-facto complainant is an educated lady. Though social interaction friendship developed between her and the petitioner who is a member of the Armed Forces. It is alleged petitioner promised to marry her and on such assurance she had cohabited with him at the Army Cantonment and at various hotels. No electronic communication by and between the petitioner and the victim corroborating the allegation that the cohabitation was on the promise of marriage and not out of love and affection simplicitor has been produced. Though the relationship ended in 2018, FIR was lodged in 2019. Investigation is continuing till date. Custodial interrogation of the petitioner for progress of investigation is not necessary. However, petitioner requires to cooperate with investigation in accordance with law.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Deepak Choudhary** 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 and on further condition petitioner while on bail shall meet the Investigating Officer once in a month until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Uday Kumar, J.)

(Joymalya Bagchi, J.)