

14.02.2025

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Allowed

C.R.M. (A) No. 372 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Nager Bazar Police Station Case No. 334 of 2024 dated 27.12.2024 under Sections 417/376/506 of the Indian Penal Code.

And
In Re : Shubhadeep Mukherjee petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mrs. M. Mukherjee
Mr. Rabindra Kumar Pathak
.....for the petitioner

Mr. Arani Bhattacharyya
.....for the State

Ms. Poulami Bose
Ms. Anushree Mondal
Ms. Aditi Chatterjee
..... for de facto complainant

1. Learned senior advocate for the petitioner submits his client undertakes that he shall not contact with the victim lady directly or indirectly or through electronic means. He prays for anticipatory bail.

2. Learned advocates for the State and *de facto* complainant oppose the prayer for anticipatory bail.

3. We have considered the materials on record. Statements of witnesses including that of the victim lady show there was free mixing between two adult persons. Whether cohabitation was out of romantic love or on false promise of marriage has to be assessed at the appropriate stage of the

proceeding. On earlier occasion WhatsApp communications were placed before this Court which demonstrated petitioner had threatened the victim as she was proceeding with the matter. Petitioner undertakes not to make any communication with the victim in any manner whatsoever. In light of the facts and circumstances and the aforesaid undertaking we are of the opinion custodial interrogation for progress of investigation is not necessary but restrictions require to be imposed on the petitioner in order to instill confidence in the minds of the victim and other witnesses.

4. 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, 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 further conditions that while on bail petitioner shall not enter the jurisdiction of Nager Bazar Police Station until further orders. He shall not contact with the victim lady directly, indirectly, through electronic means or any other manner whatsoever. He shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

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

(Shampa Dutt (Paul), J.)

(Joymalya Bagchi, J.)