

17.02.2025
14
as
[ALLOWED]

C. R. M. (A) 420 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with English Bazar Women Police Station Case No. 25 of 2024 dated 17.02.2024 under Sections 448/376/498A/323/325/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In Re: XXX.

... .. Petitioner

Mr. Suman Das.

... .. for the Petitioner

Mr. Emran Ali,
Ms. Puspita Saha.

... .. for the State

Mr. Aniket Mitra,
Mr. Mujsharraf Alam.

....for the de-facto complainant.

1. Petitioner submits there was a romantic association between him and the de-facto complainant. But de-facto complainant claims she is married to him. Contrary such stance, she has filed the instant case alleging rape. 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 petitioner does not acknowledge a valid marriage and has filed a suit seeking declaration that the marriage is null and void.

4. We have considered the materials on record including statement of the victim. In her statement victim claims petitioner cohabited with her on the promise of marriage. Thereafter, local people had compelled him to marry but petitioner and his relations have refused to acknowledge the marriage and has

demanded money. It is also brought to our notice petitioner has filed a case seeking a declaration that the marriage is a nullity. Whether the marriage between the parties is a valid one may be adjudicated in the said proceeding.

5. For the purposes of present application, we note parties were major and cohabited with each other. Whether cohabitation was out of romantic love or on false promise of marriage has to be appreciated in light of petitioner's claim he had been compelled to marry the victim.

6. Given this situation, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary but petitioner requires to cooperate with the investigation in accordance with law.

7. 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 and on further condition petitioner while on bail shall meet the Officer-in-charge of English Bazar Police Station once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Partha Sarathi Sen , J.)

(Joymalya Bagchi, J.)

