

14.02.2025
11.
Ct. No. 28
SG
[Allowed]

C. R. M. (A) 400 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dum Dum Police Station Case No. 527 of 2023 dated 27.10.2023 under Sections 417/376 of IPC.

And

In Re: **Thatheus Alfred Paul.**

... .. Petitioner

Ms. Pinki Dey, Adv.

Ms. Suchismita Dutta, Adv.

.... For the petitioner

Mr. Arani Bhattacharyya, Adv.

.... For the State

Ms. Jharna Biswas, Adv.

...for the de facto complainant

1. Petitioner contends there was a romantic association between two married adults. He has been falsely implicated. 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 victim had become pregnant.

4. We have considered the materials on record including the statement of the victim. She states she had cohabited with the petitioner. As a result, she became pregnant. Subsequently, petitioner has disowned the relationship. Admittedly, both the parties were married at the time of cohabitation. Credibility of the allegation that the cohabitation was on false promise of

marriage must be assessed in light of the aforesaid circumstances at the appropriate stage of the proceeding.

5. Keeping in mind these facts, we are of the opinion custodial interrogation is not necessary but petitioner requires to cooperate with investigation.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Thatheus Alfred Paul** 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

7. Application for anticipatory bail is, thus, disposed of.

[Shampa Dutt (Paul), J.]

[Joymalya Bagchi, J.]