

19.02.2025
06.
Ct. No. 28
SG
[Allowed]

C. R. M. (A) 462 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haridevpur Police Station Case No. 406 of 2024 dated 10.07.2024 under Sections 417/376/420/406/506/120B of IPC.

And

In Re: **Md Humayun Kabir @ Humayun Kabir.**

... .. Petitioner

Mr. Md. Wasim Akram.

... for the petitioner

Mr. Avishek Sinha,
Mr. Asraf Mandal.

.... for the State

Mr. Falguni Bandyopadhyay,
Mr. Susanto Mondal,
Ms. Riya Ballav.

... for the de facto complainant

1. Petitioner contends there was a romantic association between him and the victim lady. Taking advantage of the association petitioner had been wrongfully detained and money was extorted from him. He lodged criminal case against the lady. In retaliation, the present case has been lodged alleging rape on the promise of marriage. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He contends petitioner had cohabited on the false promise of marriage. He had also falsely induced the victim lady to part with money.

3. Learned Advocate for the *de facto* complainant submits petitioner had cheated the victim lady and had misappropriated a sum of Rs.32 lakhs. Allegation in the earlier case that he had been detained and monies extorted from him are out and out false.

4. We have considered the materials on record. Petitioner and the victim lady are adults. They had a romantic association. It is alleged in course of this association petitioner had taken a sum of Rs.32 lakhs. He has failed to pay the said sum. In this backdrop, petitioner contends he had been wrongfully detained and money was tried to be extorted from him. He lodged a criminal case. Subsequently, the present case has been lodged alleging he had cohabited with the victim and induced her to part with money on the false promise of marriage. Materials on record *prima facie* show free mixing out of romantic love. Whether the cohabitation was due to romantic love or on false promise of marriage requires to be adjudged at the appropriated stage of the proceeding. Even if one accepts the accusation that petitioner received money from the *de facto* complainant, custodial interrogation is not necessary for progress of investigation. It is trite process of criminal law cannot be used to recover outstanding dues.

5. In such view of the matter, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail subject to condition.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Md Humayun Kabir @ Humayun Kabir** 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)