

03.03.2025
20.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 635 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur Police Station Case No. 361 of 2024 dated 13.07.2024 under Sections 448/376/313/417/506/34 of IPC and Section 8/10 of POCSO Act.

And

In Re: **Aditya Sarkar.**

... .. Petitioner

Mr. Kaushik Choudhury.

... .. for the petitioner

Ms. Sonali Bhar.

... .. for the State

1. Petitioner submits they had a romantic association from 2020.

Subsequently, the relationship broke and he has been falsely implicated. Accordingly, he prays for anticipatory bail.

2. Learned Counsel for the State contends victim was a minor at the time when the relationship commenced. They cohabited together and later on petitioner refused to marry.

3. In spite of notice nobody appears for the victim.

4. We have considered the materials on record including the statement of the victim. In her statement victim admits there was free mixing between two young persons since 2020. Thereafter, petitioner proposed marriage but subsequently he withdrew from such proposal. It is argued relationship had commenced when victim was a minor. It is also alleged petitioner had threatened the victim to circulate obscene pictures.

5. We have considered her statement in light of the attending facts and circumstances of the case. An intimate relationship

grew up between two young persons. It is true victim was a minor when the relationship commenced. However, the intimacy continued even after she had attained majority. From the tenor of the victim's statement it is difficult for us to accept proposal of marriage had preceded the cohabitation. On the other hand, it is more probable that two young persons fell in love and cohabited. Subsequently, they agreed to marry but petitioner has presently retracted. No electronic evidence supporting allegation of blackmail through threat of making intimate photos viral is placed on record. Whether these circumstances would constitute deception or fraud amounting to rape may be assessed at the appropriate stage of the proceeding. Custodial interrogation for progress of investigation is not necessary.

6. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

7. Accordingly, we direct that in the event of arrest, the petitioner viz., **Aditya Sarkar** 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. 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)