

29.04.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 1037 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Narendrapur Police Station Case No. 1593/2024 dated December 21, 2024 under Sections 69/89/351(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : Satyajit Naik

Mr. Ayan Bhattacharya
Mr. Anupam Dasadhikari
Mr. Krishnendu Paul Chowdhury
Mr. Prakash Mishra
... For the Petitioner.

Mr. Rana Mukherjee
Mr. Raju Mondal
... For the State.

Mr. Tathagata Majumder
Ms. Neha Chakraborty
... For the Opposite Party no. 2/*Defacto* complainant

The petitioner is in custody for more than four months. Learned counsel for the petitioner submits that there was a long standing consensual relationship between the parties and there was no misrepresentation on the part of the petitioner before the *defacto* complainant. The relationship resulted in *defacto* complainant being in the family way after which she insisted upon the petitioner marrying her. The petitioner being a married man was unable to do so. A defamation notice was served upon the petitioner alleging false defamatory statement being made against the *defacto* complainant which was responded to by the petitioner. The *defacto* complainant filed a civil suit claiming damages for defamation. Thereafter the present complaint was lodged under Section 175(3) of the BNSS. Learned counsel submits that the *defacto* complainant was aware of the marital status of the

petitioner all throughout and voluntarily continued the relationship with him. Also, charge-sheet submitted by the investigating officer is vague and does not contain any specific allegation against the petitioner. The petitioner prays for bail.

Learned counsels for the State and *defacto* complainant oppose the prayer.

Learned counsels submit that marital status of the petitioner was disclosed before the *defacto* complainant much later, in fact after the *defacto* complainant conceived. It was all throughout stated that he was a bachelor. The petitioner thereafter convinced the *defacto* complainant that a divorce suit was filed and he would marry the petitioner after dissolution of his earlier marriage.

Learned counsel for the *defacto* complainant submits that even during custody of the petitioner, the *defacto* complainant has been receiving several threat calls and has lodged several complaints to that effect which have not been acted upon till date.

I have considered the material on record. It appears that there was long standing consensual relationship between the petitioner and the *defacto* complainant. Though the *defacto* complainant has alleged that several photographs were taken by the petitioner who threatened to upload the same in the social media, no such photograph or mobile phone, laptop etc. or any other device has been seized from the possession of the petitioner. The allegation of defamation has subsequently turned into the present complaint alleging promise of marry upon misrepresentation of fact. On perusal of the charge sheet it appears that besides the fact stated by the *defacto* complainant the investigating officer has not cared to record any specific allegation/overt act on the part of the petitioner.

Upon consideration of the material on record and extent of complicity of the petitioner in the alleged offence, this Court is of the view that further detention of the petitioner is not required. He may be granted bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Satyajit Naik shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas subject to condition that he shall remain outside the jurisdiction of Narendrapur Police Station and shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)