

04.04.2025
Court No.28
Item No.8
ssi

CRM (A) 1045 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Kaliachak** P.S. Case No.**1015 of 2024** dated **04.07.2024** under Sections **318 (2)/69/318 (4)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Md Karim Sk @ Md Abdul Karim**

....Applicant/Petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Arup Kumar Bhowmick

...for the defacto complainant

Ms. Manisha Sharma

Mr. Prakash Mishra

...for the State.

Learned counsel appearing on behalf of the petitioner submits that this is a case of failure to keep a promise to marry.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer and submits that the petitioner forcibly committed rape upon the victim.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. According to statement of certain relatives of the victim recorded by the Investigating Officer, the petitioner had promised to marry the victim and had taken Rs. 40,000/- from the petitioner in cash and had committed such offence after taking the victim to a hotel.

In view of the fact that the materials in the case diary indicate some sort of a prior relation between the parties and considering

injury reports and the statement of the victim, I do not think that custodial interrogation of the petitioner is required in this case.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall meet the I.O. of the case once a week till submission of report in final form and he shall not try to influence the witnesses or threaten them. The petitioner shall also reside outside the jurisdiction of Kaliachak Police Station where the victim resides until further orders.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)