

02.05.2025
Court No.28
Item No.8
tbsr
Allowed

CRM (A) 1176 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure, 1973 in connection with **Harirampur** P.S. Case No.**36 of 2025** dated **25.02.2025** under Sections **329(4)/351(2)/69** of the Bharatiya Nyaya Sanhita 2023.

And

In the matter of: **Sukal Mardi**

....Petitioner.

Ms. Jeenia Rudra
...for the petitioner.

Mr. Sujan Chatterjee
.....for the State.

Ms. Aiswarjya Gupta
Mr. Somesh Gosh
....for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the victim were in a relationship for more than last seven years. There was no promise given to marry. Otherwise, the two would have married by now. Suddenly, the present false case was initiated at the behest of the alleged victim.

Learned counsel appearing on behalf the de facto complainant strongly opposes the prayer for anticipatory bail and submits that due to her medical condition, the medical examination could not be done by the Government doctor.

Learned counsel appearing on behalf of the State relies on the case diary including the statements of witnesses, the statement of the victim recorded before the learned Magistrate and medical reports. The doctor recorded that the victim denied medical examination. In

the statement made before the learned Magistrate, she stated that about seven years ago a relationship developed between the petitioner and the victim. In 2023 after getting a job, the petitioner started ignoring the victim. However, it was also stated that on the promise of marry, on several occasions the petitioner had physical relation with the victim.

In view of the nature of allegations and the fact that the two adults had some kind of a relationship for a very long time, I do not think that custodial interrogation of the petitioner would be 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 condition that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)