

22/04/2025

D/L 36
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1242 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 in connection with the proceedings of ACGR no. 2081 of 25 arising out of Bansdroni police station case no. 329 of 2025 dated 27.3.2025 under section 69 of the BNS, 2023.

In the matter of: Tuhin Mukherjee

... Petitioner

Mr. Ayan Bhattacharya, Sr. Adv.
Mr. Shounak Mondal
Mr. Sumit Biswas
Ms. R. Bhowmick

...for the petitioner.

Mr. Rohan Bhowmick
Mr. partha Sarathi Maitra

...for the O.P. no. 2.

Mr. Arijit Ganguli
Mr. Sujan Chatterjee

...for the State.

1. Learned senior counsel appearing on behalf of the petitioner submits as follows. The de-facto complainant has admitted in the FIR that she is a married lady. Therefore, no case would lie under Section 69 of the BNS.
2. Learned counsel appearing on behalf of the de-facto complaint/victim opposes the prayer for anticipatory bail and submits that the petitioner is, however, separated from her husband and would pray for divorce.
3. Learned counsel appearing on behalf of the State submits that the *prima facie* case is made out and the statement of the victim is yet to be recorded before the learned Magistrate.

4. In view of the fact that the de-facto complainant is admittedly a married lady, yet to obtain a divorce and in view of the materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case.
5. Accordingly, the application for anticipatory bail is allowed.
6. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses.

(Jay Sengupta, J.)