

14.05.2025
Court No.28
Item No.29
tbsr
Allowed

CRM (A) 1489 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure, 1973 in connection with **Burtolla** P.S. Case No. **177 of 2024** dated **13.11.2024** under Sections **323/313/417/376/506/509** of the Indian Penal Code.

And

In the matter of: **Rahul Chaurasia**

....Petitioner.

Mr. Karan Dudhwewala

Mr. Vikash Choubey

Mr. Udit Agarwal

....for the petitioner.

Mr. S. S. Imam

Mr. R. Jana

.....for the State.

Mr. Dipankar Aditya

Ms. Aishwarya Priya Raha

....for the de facto complainant

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had a relationship with the alleged victim for the last 17 years. It is an admitted position that the two had physical relations and the victim had to undergo as many as twelve abortions. The last incident mentioned in the FIR is of November, 2023 while the FIR was lodged in November, 2024. Between 2023 and 2024 there are telephone chats between the two whereby the victim was again showing her interest in continuing with the relationship. It was only after the petitioner's marriage was fixed somewhere else that this FIR was lodged. Charge sheet has been submitted.

Learned counsel appearing on behalf of the de facto complainant vehemently opposes the prayer for anticipatory bail. The relationship started upon a promise of the petitioner to marry the victim. In some medical documents the petitioner had shown himself as the husband of the victim. Now, he wants to ruin the life of another girl.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. As per records, the last abortion took place on 18.11.2024. It is alleged that there was promise to marry that had induced the girl to enter into a relationship with the petitioner. They went to places and continued the relationship for some time.

The alleged actions of the petitioner appear to be quite abhorrent.

However, considering the nature of allegations, the admitted fact that there was some kind of relationship between the two for a very long time and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail.

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 not threaten or intimidate witnesses and shall surrender and pray for bail within five weeks from this date and shall attend the jurisdictional Court on dates fixed.

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.)