

20.05.2025
Court No.28
Item No.30
tbsr
Allowed

CRM (A) 1548 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Berhampore** P.S. Case No.**565 of 2025** dated **19.03.2025** under Sections **351(3)/69** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Asim Das @ Tapas Roy Chowdhury**

....Petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Ms. Sayanti Santra

Mr. Dattatreya Dutta

.....for the State.

Mr. Debabrata Mondal

Mr. Sandipan Maity

Mr. Gautam Bagchi

....for the de facto complainant

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner and the alleged victim are both adults. The petitioner has been falsely implicated in this case.

Learned counsel appearing on behalf of the de facto complainant submits that in spite of having a physical relationship with the victim, the petitioner finally refused to marry her.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the case diary and points to the statement of the victim recorded before the learned Magistrate. She also points out that the victim refused to undergo medical examination.

In view of the materials available in the case diary, the fact that there was some kind of relationship for a certain length of time between two adults and the fact that the victim refused to undergo medical examination, I am inclined to grant anticipatory bail to the petitioner.

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 co-operate with investigation and shall meet the I.O. once a week till submission of report in final form.

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.)