

23.05.2025
SL.29
Ct.No.28
NB
(Allowed)

CRM (A) 1744 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Debra P.S. Case No.281 of 2025 dated 21.04.2025 under Sections 69/89/351(2) of the BNS pending before the learned Chief Judicial Magistrate, Paschim Medinipur at Midnapore.

And

In the matter of : Dibakar Mandal

... petitioner

Mr. Sandipan Ganguly Id.Sr.Adv.,
Mr. Malay Bhattacharyya,
Mr. Pradip Paul.
...for the petitioner.

Ms. Sukanya Bhattacharyya,
Mr. Tirthankar Dhali.
...for the State.

Mr. Surajit Basu,
Ms. Janika Alam
...for the de facto complainant.

Learned senior counsel representing the petitioner submits as follows. The victim had earlier had an affair with a third person. In 2023, she lodged an FIR against him alleging that, that other person committed a similar offence of rape by entering into physical relationship on a promise to marry. The relationship between the present petitioner and the alleged victim developed thereafter. It went on for some time. An FIR has now been lodged alleging that the petitioner has committed an offence by refusing to marry her in spite of giving a promise and entering into a relationship. It is germane to mention that the two belonged to two different religious communities

and one cannot get married by putting vermilion on the forehead of a lady in such cases.

Learned counsel appearing on behalf of the de facto complainant, upon instructions, strongly opposes the prayer for anticipatory bail and submits that the petitioner has exploited her by fraudulently claiming that he would marry her.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and he relies on the statements of witnesses including that of the victim recorded before the learned Magistrate.

In view of the admitted position that there was some kind of a relationship between the two adults for a certain length of time, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition to cooperate with the investigating and not to threaten or intimidate witnesses and to meet the Investigating Officer once a week till the submission of the report in final form. The petitioner shall stay outside the jurisdiction of Debra Police Station for a period of six months from this date except for the purpose of attending the jurisdictional Court or for meeting the Investigating Officer.

The application for anticipatory bail being **CRM (A) 1744 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)