

06.08.2025

Sl. no. 19

Ct. No. 25

P.M.

(Allowed)

C.R.M. (M) 1008 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with G.R. Case No. 301 of 2024 arising out of Madhyamgram P.S. Case No. 78 of 2024 dated 12.02.2024 under Section 376/406/417/420 of the Indian Penal Code.

And

In the matter of : **Parvin Raghunath Pawar.**

.... Petitioners

Mr. Sabir Ahmed,
Ms. Pampa Dey,
Mr. Dhiman Banerjee,
Mr. Quazi Ezaz Ahmed

.... For the petitioner

Mr. S. S. Imam,
Ms. Baishakhi Chatterjee

... for the State

Mr. Souma Subhra Roy,
Mr. Bibek Chatterjee,
Ms. Sushmita Saha,
Ms. Neelam Kumar

... for the defacto complainant

1. The present petition has been filed for regular bail.
2. Learned counsel for the petitioner submits that petitioner had been in the consensual relationship with the defacto complainant/victim.
3. Learned counsel submits that both the petitioner and the victim are major. Learned counsel submits that in fact there was a commercial transaction and the petitioner has been implicated falsely. Learned counsel submits that the defacto complainant/victim has

already filed a complaint under Section 138 of the Negotiable Instruments Act.

- 4.** Learned counsel for the State and defacto complainant have opposed the bail application on several grounds inter alia, stating that petitioner was married having two children and he represented himself to be unmarried and contacted the victim through divorce matrimony. Allegedly the petitioner had given false promise of marriage, cheated the victim and entered into sexual relationship. The petitioner also took an amount of Rs. 15 lakhs with promise to return the same but the same were never returned.
- 5.** Learned counsel for the State also submits that petitioner could be arrested with a great difficulty as he is resident of Mumbai and he is released on bail. There is possibility he may not return back to attend the trial.
- 6.** Admittedly the petitioner and the victim are major. The victim was a divorcee and the petitioner and the victim came into contact to the divorce matrimony. The case of the prosecution is that the victim agreed for the sexual relationship on the false pretext of marriage. The prosecution has also alleged the forceful abortion at the instance of the petitioner. The allegation is that the victim consented to has physical relationship on the misconception of the facts that he would marry her.

The facts as disclosed does not dispute the parties were in physical relationship for a long period and without any complaint till the filing of this complaint. Whether it is a case of false promise falling within the category of misconception of facts or breach of promise is a matter to be appreciated during the course of evidence. The charge sheet has already been filed.

- 7.** It is the settled proposition that the custody during trial cannot be taken as a punitive measure. The purpose of the bail is to secure attendance of the petitioner during the course of trial.
- 8.** Thus taking into account and the facts and circumstances of this case the petitioner is admitted to bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, subject to the following conditions :
 - i.** That during the course of trial the petitioner shall live within the territorial jurisdiction of the trial court and shall not leave the same unless and until permission granted by the learned Trial Court.
 - ii.** The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever that the petitioner shall attend the trial regularly. .

9. The application for bail being CRM(M) 1008 of 2025 is, thus, disposed of.
10. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)