

07.01.2025
Sl. No.10
akd
[ALLOWED]

C. R. M. (A) 4410 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 28.11.2024 in connection with Barjora Police Station Case No.184 of 2024 dated 05.10.2024 under Sections 376/417/363/323/34 of the Indian Penal Code. (G.R. Case No.1347 of 2024)

And

In Re: ***Rabi Kumar Pasi & Anr.***

... .. Petitioners

Mr. Amajit De

... .. for the petitioners

Ms. Puja Goswami

... .. for the de-facto complainant

Mr. Imran Ali

Ms. Suruchi Saha

... .. for the State

1. Heard learned Advocates for the respective parties.
2. Report is placed on record. Report shows petitioner no.1 and the de-facto complainant are not residing together.
3. We have considered the materials on record. Allegations in the FIR as well as the statement of the de-facto complainant before Magistrate show there was a romantic relationship between the parties. Petitioner no.1 contends they started residing together as husband and wife. In fact, the de-facto complainant lodged a complaint against her own father wherein she described the petitioner as her husband. Presently disputes broke out between them and de-facto complainant does not wish to reside with the petitioner. Keeping in mind the aforesaid facts, we are of the prima facie opinion cohabitation between the parties was out of love and affection. Parties were adults at the time of cohabitation. Under such circumstances, we are of the opinion

custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

4. Accordingly, we direct in the event of arrest, the petitioners, namely, **(1) Rabi Kumar Pasi & (2) Uma Devi Pasi**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)