

16.01.2025

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Allowed

C.R.M. (A) No. 4487 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Swarupnagar Police Station Case No. 418 of 2024 dated 06.08.2024 under Sections 127(2)/64(2)(f)/351(3)/55 of the BNS.

And

In Re : Shuvajit Mondal @ Subhajit Mondal petitioner

Mr. Soumya Banerjee
Ms. Sucheta Banerjee

.....for the petitioner

Mrs. Sujata Das
Mrs. Manasi Roy

....for the State

1. Learned Counsel for the petitioner submits he has married the victim lady. He and his brother-in-law have been falsely implicated in the case due to domestic quarrel. He has submitted documents with regard to the marriage to the investigating agency. He prays for anticipatory bail.

2. Learned Counsel for the State submits report and contends there was no marriage between the parties.

3. We have considered the materials on record including the police report. In the report it is stated Panchayet Prodhan who issued marriage certificate was unaware of the marriage. No local people also corroborated the marriage. However, number of photographs were submitted by the petitioner which show intimate social interaction between the parties. Victim is a major lady. Allegation of rape by the

petitioner has to be assessed in the light of the aforesaid circumstances. Accordingly, we are inclined to grant anticipatory bail to the petitioner but subject to conditions.

4. Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further condition that he shall meet the investigating officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)