

05.02.2025

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Allowed

C.R.M. (A) No. 149 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Raiganj Police Station Case No. 909 of 2024 dated 04.09.2024 under Sections 69/115(2)/351(2) of the BNS.

And

In Re : Saip Ali @ Saheb Akhtar petitioner

Mr. Amit Roy

.....for the petitioner

Mr. Debasish Roy, learned PP

Mr. Arijit Ganguly

Mr. Koushik Kundu

....for the State

1. Heard the learned advocates for the petitioner and State.

2. In spite of notice nobody appears for the victim.

3. We have considered the materials on record. It is contended there was cohabitation between two consenting adults. Whether the cohabitation was out of romantic association or on a false promise of marriage requires to be assessed at the appropriate stage of the proceeding.

4. Keeping in mind the nature of allegation we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

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 condition that 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.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)