

09.01.2025

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Allowed

C.R.M. (A) No. 4603 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Gazole Police Station Case No. 906 of 2024 dated 14.10.2024 under Sections 69/351(2)/3(5) of the BNS.

And

In Re : Uttam Sarkar petitioner

Mr. Kazi M. Rahman

.....for the petitioner

Mr. Partha Pratim Das

Mr. Debarshi Brahma

....for the State

1. Heard the learned advocates for the parties.

2. We have considered the materials on record including statement of the victim. She is a major lady. There was romantic relationship between the parties. Allegation of forcible rape on 07.10.2024 appears to be improbable in light of free mixing between the parties earlier. Whether cohabitation was out of love or on false promise of marriage has to be assessed at the appropriate stage of proceeding. Keeping in mind this fact we are inclined to grant anticipatory bail to the petitioner.

3. 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 and on further condition that he shall meet the investigating officer once in a week until further orders.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)