

13.01.2025
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as
[ALLOWED]

C. R. M. (A) 4624 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Islampur Police Station Case No. 938 of 2024 dated 24.09.2024 under Section 69 of the BNS, 2023.

In Re: Sahabaz Alam Ansary @ Raji Ali.

... ... Petitioner

Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain.

... ... for the Petitioner

Ms. Sreyashee Biswas,
Mr. Subham Bhagat.

... ... for the State

Ms. Tannistha Bandyopadhyay.

...for the Victim.

1. Petitioner contends victim was a married lady at the time of cohabitation. Cohabitation was out of love and affection. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. Learned Advocate for the victim contends her previous marriage has been dissolved by giving *talak*.

4. We have considered the materials on record. Petitioner cohabited with the victim when she was married to another man. Allegation that victim was induced to cohabit on the false promise of marriage must be appreciated in this factual backdrop. De-facto complainant-victim contends she has obtained *talak* from her earlier husband. It is nobody's case that the *talak* had been obtained prior to cohabitation between the parties.

5. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

6. Accordingly, we direct that in the event of arrest, the petitioners viz., **Sahabaz Alam Ansary @ Raji Ali** 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 subject to the conditions as laid down under Section 482(2) of the BNSS and on further condition petitioners while on bail 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 four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)