

24.01.2025

Ct. No. 1

Sl. No.21

akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 10 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 09.01.2025 in connection with Alipurduar Women Police Station Case No. 85 of 2024 dated 24.12.2024 under Sections 69/115(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Dipurba Barman**

... .. Petitioner

Mr. Subham Chanda
Ms. Angana Rakshit

... .. for the petitioner

Ms. Namrata Das

... .. for the de-facto complainant

Mr. Kallol Acharjee
Mr. Chattu Roy

... .. for the State

1. It is submitted on behalf of the petitioner there was free mixing between two consenting adults. Allegation the petitioner had cohabited on the false promise of marriage is an afterthought. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record. Victim is a divorcee with a child. She contends petitioner had promised marriage three years ago. They cohabited. Subsequently, petitioner had resiled from his promise to marry. No contemporaneous document evidencing promise

of marriage is placed on record. On the other hand, possibility of cohabitation out of romantic love cannot be ruled out. Keeping in mind these facts, we are of the opinion custodial interrogation of the accused/petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely ***Dipurba Barman***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)