

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

24.01.2025.
24.
as
(Allowed).

C.R.M. (A) 28 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mathabanga P.S. Case No.923 of 2024 dated 10.12.2024 under Sections 318(2)/64/115(2)/74/69 of BNS, 2023.

In the matter of : ***Bappa Barman @Apu.***

... Petitioner.

Mr. Hillol Saha Poddar.

...for the Petitioner.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Ms. Sukanya Adhikary.

.....for the State.

Ms. Suman Sehanabis (Mandal),
Mr. Salok Sah,
Ms. Anwesh Chakraborty.

...for the de-facto complainant.

1. Petitioner contends there was free mixing between two consenting adults. Allegation that cohabitation was on 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 oppose the prayer for anticipatory bail.

4. We have considered the materials on record including the statement of the victim. We have also gone through the

messages exchanged between the parties on social media platform. Reading the materials on the anvil of normal human conduct, we note there was close and intimate relationship between the parties. They had promised to be in love for ever. However, nothing is placed on record to show petitioner induced the victim to cohabitation on a promise of marriage.

5. In light of the aforesaid facts, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

6. 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and pray for regular bail within a period of four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

