

27.01.2025

Ct. No. 1

Sl. No.25

akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 43 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 15.01.2025 in connection with Cooch Behar Sadar Women Police Station Case No. 226 of 2024 dated 10.12.2024 under Sections 329(4)/64/115(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.2352 of 2024)

And

In Re: **Prasenjit Barman**

... .. Petitioner

Mr. Surojit Basu
Mr. Puspen Barman
Mr. Sayantan Bhowmik

... .. for the petitioner

Mr. Hillol Saha Podder

... .. for the de-facto complainant

Mr. Nilay Chakraborty .. Id. Addl. Public Prosecutor
Ms. Sukanya Adhikary

... .. for the State

1. It is submitted on behalf of the petitioner that victim is a major lady. She voluntarily accompanied the petitioner to Delhi. She resided for some time. Thereafter she returned home and falsely accused him of abduction and rape. 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 including the statement of the victim. In her statement, the victim stated she accompanied the petitioner on the false promise of giving employment.

Then petitioner confined her and resided for 7-8 months. She somehow escaped and came to her residence. Victim is a major lady. She had accompanied the petitioner on the expectation of employment. She remained unemployed and returned home. In the *interregnum*, it is alleged petitioner had raped her. Credibility of her statement requires to be assessed in light of the petitioner's defence that the association was consensual. In this backdrop, we are of the opinion though custodial interrogation of the accused/petitioner for progress of investigation is not necessary, he requires to cooperate with investigation.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely **Prasenjit 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 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)