

28.01.2025.
Sl. No.14.
Ct. No. 1
SG
(Allowed)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri

C. R. M. (A) 906 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Falakata Police Station Case No. 358 of 2024 dated 18.09.2024 under Sections 69/89/351(3) of BNS.

And

In Re: **Nabajiban Roy @ Ganesh.**

..... Petitioner

Mr. Bipul Ranjan Bhattacharjee,
Mr. Asit Chanda.

... for the petitioner

Mr. Debajit Kundu.

.....for the de facto complainant

Mr. Tapan Bhattacharjee,
Ms. Suykanya Adhikary.

.....for the State

1. Petitioner submits there was consensual cohabitation between two adult persons. 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 contends petitioner had refused to marry his client.
4. We have considered the materials on record including the statement of the victim. In her statement victim claimed there was an intimate relation between the parties for last four years. One year ago petitioner had persuaded her to abort the child.

However, it is unclear whether cohabitation was out of romantic love or on a false promise of marriage. Subsequent refusal to marry *per se* may not constitute an act of deception. Custodial interrogation for progress of investigation is not necessary.

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

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Nabajiban Roy @ Ganesh** 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 Bharatiya Nagarik Suraksha Sanhita, 2023. 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.)