

C.R.M. 65 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Uttam Sarkar**

... **petitioner**

Mr. Suman Sehanabis (Mondal)

...For the petitioner

Mr. Aditi Shankar Chakraborty

Mr. Arun Kumar Sarkar

.....For the State

The petitioner has presented this application on 1st April, 2019 seeking a direction that in the event of his arrest in course of investigation of Mekhliganj Police Station F.I.R. No. 17 of 2019 dated 20th January, 2019 under Sections 448/376 of the Indian Penal Code, he may be released on bail.

We have heard learned advocates for the parties and perused the materials in the case diary.

Having regard to the injury report available in the case diary, which does not show any mark of injury on the person of the petitioner, possibility of the victim being a consenting party, as argued on behalf of the petitioner cannot be ruled out. We are, thus, of the considered view that this is a fit and proper case for making a direction, as prayed for.

C.R.M. 65 of 2019 stands allowed with the direction that in the event of the petitioner's arrest, he shall be released on bail

upon furnishing bond of Rs.10,000/-, with two sureties of like amount, to the satisfaction of the arresting officer and also subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Shivakant Prasad, J.)

(Dipankar Datta, J.)