

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

26.08.2019.
30.
as
(Allowed).

C.R.M. 678 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.08.2019 in connection with Prodhan Nagar P. S. Case No.293 of 2019 dated 13.06.2019 under Sections 417/376 of the Indian Penal Code.

In the matter of : Subham Mahato.

... Petitioner.

Mr. Subhankar Dutta.

...for the Petitioner.

Mr. Nilay Chakraborty,
Mr. Sanjiv Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission that the victim is a major lady at the time of cohabitation and was aware of the consequences thereof, we are of the opinion that custodial interrogation for progress of investigation is not necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner viz., Subham Mahato 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 on condition that the petitioner shall appear before the trial court and pray for regular bail within four weeks from date.

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

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)