

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

26.08.2019.
27.
as
(Allowed).

C.R.M. 727 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.08.2019 in connection with Mathabhanga P. S. Case No.02 of 2017 dated 01.01.2017 under Sections 365/376(2)(n)/506/34 of the Indian Penal Code.

In the matter of : Hafijul Hoque @ Hapijul Haque.
... Petitioner.

Md. Suman Sehanabis (Mandal).
...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas.
.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that the victim is a major lady and had cohabitated with the petitioner out of her own volition.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the cohabitation was procured by the petitioner on the false promise of marriage.

We have considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission that the victim was a major lady at the

time of cohabitation and was aware of the consequences thereof, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner viz., Hafijul Hoque @ Hapijul Haque 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.)