

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

28.08.2019.
29.
as
(Allowed).

C.R.M. 735 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.08.2019 in connection with Tufanganj P. S. Case No.278 of 2018 dated 17.07.2018 under Sections 417/376(2)(n)/323/306/109 of the Indian Penal Code.

In the matter of : Sri Koushik Roy.

... Petitioner.

Mr. Subhankar Dutta,
Mr. Debajit Kundu.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Sourav Ganguly.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that the de-facto complainant was a major lady and there was an amorous relationship between the petitioner and the said de-facto complainant. It is also submitted that the mother of the de-facto complainant had suffered accidental death and he has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. We note that the de-facto complainant was major at the time of cohabitation and was aware of the consequences thereof. The post mortem report shows that the mother of the de-facto complainant died due to cardio respiratorial failure owing to accidental electric shock.

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

Accordingly, we direct that in the event of arrest the petitioner viz., Sri Koushik Roy 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.)