

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

30.08.2019
tkm/ct 1
sl no. 28

C.R.M. 838 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 28.8.2019 in connection with Bhaktinagar P.S case no. 466 of 2019 dated 23.6.2019 under sections 493/376 of the IPC

And

Allowed

In Re : Totan Sarkar @ Samir Sarkar petitioner

Ms. N. Das

Ms. Teesta Banerjee

..... for the petitioner

Mr. Tapan Bhattacharjee

Mr. Biswarup Roy

..... for the State

It is submitted on behalf of the petitioner that the victim lady was major at the time of cohabitation and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Having considered the materials in the case diary and bearing in mind the nature of allegations in the light of the aforesaid submission that the victim was major at the time of cohabitation and was aware of the consequences thereof, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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 438(2) of the Code of

Criminal Procedure, 1973 and on further condition that the petitioner shall meet the investigating officer once in a week while on bail until further orders and that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 838 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)