

01-10-2020
Subha
Item no.30
Bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 6902 of 2020

Soumick @ Soumik Sarkar
-vs-
The State of West Bengal
With
CRAN 1 of 2020
(Via Video conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Mathabhanga P. S. Case No.150 of 2020 dated 29-04-2020 under Sections 417/376 of the Indian Penal Code.

Mr. Sabir Ahmed
Mr. Mujibar Ali Naskar
Mr. Shraman Sarkar
Mr. Arpan Saha

...for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Kallol Basu
Mr. Aniruddha Biswas

... for the State.

It is submitted by the learned advocate for the petitioner that the petitioner and the victim lady both are major and consenting parties in the alleged offence. Therefore, the custodial interrogation of the petitioner is not required.

Mr. Chakraborty, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that taking advantage that the victim is separated from her husband she has been raped by the accused/petitioner. The victim lady was a regular patient under the petitioner. The victim lady has been raped by the petitioner and at present she is pregnant.

After hearing the submissions of the learned advocates appearing for the respective parties and considering the materials contained in the case diary, we are of the opinion that the custodial detention of the petitioner is not required. Accordingly, the prayer for anticipatory bail of the present petitioner is allowed.

As such, in the event of arrest, the petitioner shall be released on bail, upon furnishing bond of Rs.10,000/-(Rupees ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that he shall not tamper with the evidence of the case or intimidate the witnesses.

The aforesaid order of anticipatory bail are subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

CRM 6902 of 2020 and CRAN 1 of 2020 are disposed of.

[Subhasis Dassgupta, J]

[Samapti Chatterjee, J]

