

16.12.2020
Court No.28
SL No.113
AP

CRM 8230 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habibpur** P.S. Case No.**322/2020** dated **19.09.2020** under Sections **417/376** of the Indian Penal Code.

And

In the matter of: **Budhadev Das**

....Petitioner.

Mr. Arup Kumar Bhowmick

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.

...for the State.

It is submitted on behalf of the petitioner that that the victim was a married consenting lady.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim was in the family way.

We have considered the materials on record. Allegation of forcible rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner at the appropriate stage of the proceedings in accordance with law. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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.

The application for anticipatory bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)