

**CRM 8765 of 2020
(Via Video Conference)**

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No. 1030/ 2020 dated 12.10.2020 under Sections 417/376/506 of the Indian Penal Code.

In the matter of : **Altaf Hossain**

..... petitioner

Mr. Tapodip Gupta

....For the petitioner

Mr. Somnath Adhikary

.....For the de-facto complainant

Mr. Narayan Prasad Agarwal

Ms. Manisha Sharma

.....For the State

The petitioner says that a belated complaint has been lodged in 2020 for an incident of the year 2018.

The State refers to the statement of the survivor recorded under Section 164 of the Code where the survivor has referred to her being lured into sex by the petitioner on the promise of the petitioner to marry her.

Considering the belated complaint and the virtual admission that the sexual intercourse may have been consensual, the custodial interrogation of the petitioner may not be necessary. However, the petitioner will report to the investigating officer as and when called till the investigation is completed. The petitioner will also make no attempt to contact the survivor till the completion of the investigation.

In the event of arrest, the petitioner should be released on furnishing security of Rs.10,000/- (Rupees ten thousand) with

two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner will also comply with the conditions laid down in Section 438(2) of the Code.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)