

C.R.M. 9408 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Murutia P. S. Case No.281 of 2020 dated 06.11.2020 under Sections 376/417 of the IPC.

In the matter of : Kumaresh Biswas
... Petitioner.

Mr. A. Mandal
...for the Petitioner.

Md. Anwar Hossain
Ms. Ratna Ghosh
.....for the State.

It is submitted that the victim was a major and consenting lady at the time of cohabitation.

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

Allegation of rape may be assessed in light of the aforesaid submission at the appropriate stage of the proceedings in accordance with law. In such circumstances we are inclined to grant anticipatory bail to the petitioner.

Having considered the materials on record and bearing in mind the nature of allegation in light of the submission that there was a free fight and case and counter case were registered over the incident, 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

subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is accordingly disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J)