

**18.12.2020**

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**b.das**

**CRM 9524 of 2020**

**(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj P.S. Case No.410 of 2020 dated 15.09.2020 under Sections 448/417/376(2)(n)/323/506/109 of the Indian Penal Code.

And

In the matter of: Sudipta Sarkar

....Petitioner.

Md. Sabir Ahmed

Mr. S. Sarkar

Mr. A. Saha

...for the Petitioner.

Mr. A.S. Chakraborty

Mr. N. Chakraborty

Mr. A. Sarkar

...for the State.

It is submitted on behalf of the petitioner that the victim is a major lady and consenting party.

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

We have considered the materials on record. Allegation of rape may be assessed in the light of the aforesaid submissions made on behalf of the petitioner. Hence, we are of the opinion that custodial interrogation may not be necessary and he may be granted anticipatory bail.

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.

This application for anticipatory bail is thus allowed.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**