

C.R.M. 9553 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Khardah P.S. Case No.638 of 2020 dated 09.11.2020 under sections 419/376 of the Indian Penal Code.

And

In the matter of: Sri Bhaskar Roy

Mr. Husen Mustafi

... ... for the petitioner

Mr. Saswata Gopal Mukherjee, PP

Mr. Aniket Mitra

... ... for the State

Mr. Alok Roy Chowdhury

Mrs. Rashmita Dasgupta

... ... for the de facto complainant

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

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

Learned lawyer for the de facto complainant also opposes the prayer for anticipatory bail.

Allegation of rape may be assessed in the light of the aforesaid submission that the victim was a major lady at the time of cohabitation and was aware of the consequences of the relationship.

Under such circumstances, we are of the opinion though custodial interrogation is not necessary petitioner requires to co-operate with investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 and on further condition that the petitioner shall not enter the jurisdiction of Khardah Police Station until further orders except for the purpose of investigation and attending Court proceedings and shall provide the address where he shall presently reside to the investigating agency as well as the Court below and shall report to the officer in charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

This 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.)