

07.12.2020
Court No.28
SL No.39
AP

CRM 9794 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khargram** P.S. Case No.**325 of 2020** dated **19.11.2020** under Sections **417/376** of the Indian Penal Code.

And

In the matter of: **Dr. Nityananda Gain**

....Petitioner.

Mr. Samirul Sarder

...for the Petitioner.

Mr. Imran Ali,
Mrs. Manasi Roy

...for the State.

It is submitted on behalf of the petitioner that the victim was a married lady at the time when a relationship developed between the parties. Subsequently, she is alleging rape.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim is a divorcee and the petitioner refused to marry her.

We have considered the materials on record. Relationship between the parties developed while both were married. Presently, while the de facto complainant is a divorcee, the petitioner is a married man and, therefore, unable to marry her. Matrimonial status of the petitioner was known to the de facto complainant lady at the time of inception of the relationship. In view of the aforesaid facts, 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.)