

11.12.2020
Sl. No.56
akd
[ALLOWED]

C. R. M. 9843 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 24.11.2020 in connection with Khejuri Police Station Case No.21 of 2020 dated 27.01.2020 under Sections 406/420/417/376/506/34 of the Indian Penal Code. (G.R. Case No.117 of 2020)

And

In Re: **Sandip Laya**

... .. Petitioner

Mr. Amitabha Karmakar .. Advocate
... .. for the petitioner

Mr. Neguive Ahmed .. Ld. Addl. Public Prosecutor
Ms. Amita Gaur .. Advocate
... .. for the State

It is submitted on behalf of the petitioner that the parties cohabited consensually. It is further submitted that the victim is a major.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner cohabited with the victim and also took money from her. Subsequently, he refused to marry.

Statement of the victim with regard to deception is to be assessed in the light of the submission that she was a major lady at the time of cohabitation and was aware of the consequences thereof. In view of the aforesaid facts, we are of the opinion that custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Sandip Laya**, 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, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)