

136 16.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9960 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mekhliganj** P.S. Case No. **333 of 2018** dated **02/11/2018** under Section **417/376(2)(n)/506** of the Indian Penal Code.

And

In the matter of: Ashiful Alam @ Ashiful Islam

....petitioner.

Mr. M. Datta

...for the petitioner.

Mr. T. Bhattacharjee,
Mr. S. S. Sarkar

...for the State.

It is submitted on behalf of the petitioner that the victim is a consenting party and has been falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Case diary along with statement of the victim under Section 164 Cr.P.C. is available with the learned lawyer who is accessed via electronic mode.

We have considered the materials on record. Allegation of provoking may be assessed in the light of the submission that the victim had voluntarily accompanied the petitioner and had stayed with him in the hotel. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of

like amount each to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner no.1 shall meet the investigating officer once in a week until further orders.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)