

10.12.2020
tkm/ct 28
sl no. 61

**C.R.M. 10138 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Domkal P.S case no. 598 of 2020 dated 13.10.2020 under sections 417/376/325/34 of the Indian Penal Code

And

Allowed

In Re : Nantu Islam petitioner

Mr. A Rahaman

..... for the petitioner

Mr. Anwar Hossain

Ms. Ratna Ghosh

..... for the State

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

Learned lawyer for the State opposes prayer for anticipatory bail.

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

In view of the aforesaid fact, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that 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.

The application being CRM 10138 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)