

10.12.2020
tkm/ct 28
sl no. 66

**C.R.M. 10146 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 429 of 2020 dated 28.8.2020 under sections 376/417/120B/34 of the Indian Penal Code

And

Allowed

In Re : Babu Halder @ Monbhulo Halder petitioner

Mr. S Pachhal
Mr. S Chakraborty
Mr. S Gopta

..... for the petitioner

Mr. Anwar Hossain
Ms. Ratna Ghosh

..... for the State

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

Learned lawyer for the State opposes prayer for anticipatory bail.

Allegation of rape is to be assessed in the light of the aforesaid submission made on behalf of the petitioner. In view of such 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 10146 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)