

15.12.2020.

134.

as

(Allowed).

C.R.M. 10345 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Barasat Women P. S. Case No.105 of 2020 dated 19.10.2020 under Sections 376/417 of the Indian Penal Code.

In the matter of : Arun Mukherjee. ... Petitioner.

Mr. Soumyajit Das Mahapatra.

...for the Petitioner.

Mr. Binay Panda,

Mr. S. Bhakat.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is contended on behalf of the petitioner that there was a continuing love affair between the parties. The victim was a major lady at the time of cohabitation.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of rape may be assessed in the light of the submission made on behalf of the petitioner that the victim was a major lady at the time of cohabitation.

Under such circumstances, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, viz., Arun Mukherjee 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)