

17.12.2020
tkm/ct 28
sl no. 169

C.R.M. 10468 of 2020
(via video conference)

Allowed

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Alipurduar P.S case 511 of 2020 dated 19.11.2020 under sections 376/419 of the IPC

and

In Re : Udipta Acherjee. petitioner

Mr. A Saha

..... for the petitioner

Mr. A S Chakraborty

Mr. Tapan Bhattacharya

..... for the State

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

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioner cohabited with the victim but subsequently refused to marry.

Allegation of rape may be assessed in the light of the submission that the victim was major consenting lady and was aware of the consequences of the relationship.

Under such circumstances, 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 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application being CRM 10468 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)