

74 13.02.2020
ss Allowed

C.R.M. 1618 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 13.02.2020 in connection with Birpara P.S. Case No. 156 of 2019 dated 18.12.2019 under sections 417/376 of the Indian Penal Code.

And

In the matter of : Prasanta Kumar Barman

Mr. Pronojit Roy

... ... for the petitioner

Mr. Narayan Prasad Agarwal
Ms. Sutapa Banerjee

... ... for the State

Having considered the materials on record and keeping in mind the nature of allegations in the light of the submission that the victim was a major lady at the time of cohabitation and was aware of the consequences thereof, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only), 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. Petitioner shall appear before the investigating agency and hand over his passport, if any, within four weeks from date. In the event he does not have any passport,

he shall personally appear before the investigating agency and furnish an affidavit to that effect within the time frame mentioned hereinabove.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)