

CRM 5273 of 2021

In Re : - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Karandighi P.S. Case No. 594 of 2020 dated 27.11.2020 under Sections 376/417 of the Indian Penal Code.

AND

In the matter of : Mejaul Hoque

Mr. Pronojit Roy For the Petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak ... For the State

It is contended on behalf of the petitioner that the victim was a major lady and there was consensual co-habitation between the parties.

Learned counsel for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the nature of the allegations in the light of the aforesaid submission made on behalf of the petitioner that the victim was a major lady at the time of co-habitation, we are of the opinion whether the petitioner had dishonest intention from the inception of the relationship or not requires to be assessed in the course of trial.

However, in the facts and circumstances of the case, we are of the opinion that custodial interrogation of the petitioner is not necessary.

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/- (Rupees Ten Thousand only), 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 and on

further conditions that the petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi J.)