

14.12.2021

Serial no. 65

Dd

(Through Video Conference)

CRM 5507 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **403** of **2021** dated **01.04.2021** under Sections **493/376/506/417/34** of the Indian Penal Code.(G.R. Case No. **1734 of 2021**)

-And-

In the matter of : **Pranab Das**

... Petitioner

Mr. Sujan Chatterjee, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy,

Ms. Rita Dutta, Advocates

... ..For the State

It is submitted on behalf of the petitioner that the victim was a major lady at the time of cohabitation.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Having considered the materials on record and keeping in mind the nature of allegation in the light of submission that the victim was a major lady at the time of cohabitation and was aware of the consequence thereof, we are of the opinion that custodial interrogation is not necessary and petitioner may be granted anticipatory bail.

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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and

on further condition 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**.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)