

16.12.2021

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Allowed

**C.R.M. 7461 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 360 of 2021 dated 07.11.2021 under Sections 448/417/376/323/506/34 of the Indian Penal Code.

And

In Re : Hemanta Ghosh petitioner

Mr. Kaushik Ghosh
.....for the petitioner

Mr. N. Ahmed, learned APP
....for the State

Learned advocate appearing for the petitioner submits the victim lady was major at the time of cohabitation. It is further submitted that he has been falsely implicated in the instant case.

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

Having considered the materials on record and keeping in mind 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 of the opinion that custodial interrogation of the petitioner is not necessary and he 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 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.)