

17.12.2021

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Allowed

**C.R.M. 7867 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Samserganj Police Station Case No. 236 of 2021 dated 15.08.2021 under Sections 376/417 of the Indian Penal Code.

And

In Re : Juyel Sk. @ Mehedi Hasan petitioner

Mr. Tapodip Gupta

.....for the petitioner

Mr. S. G. Mukherjee, learned PP

Ms. Faria Hossain

Ms. Sonali Das

....for the State

Learned advocate appearing for the petitioner submits victim was a major lady at the time of cohabitation.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits victim became pregnant due to such cohabitation.

Having considered the materials on record and keeping in mind the nature of allegations in the light of the submission that there was consensual relationship between two adults and as 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.)