

17.12.2021
SL No.54
Ct. 28
Saswata

CRM 7953 of 2021

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jangipara** P.S. Case No. **241/2021** dated **08.10.2021** under Sections **417/376(2)(n)/323** of the Indian Penal.

And

In the matter of: **Sk. Golam Ali**

....Petitioner

Ms. Soma Chowdhury (Bandhu)

...for the Petitioner

Mr. N.P. Agarwala

Ms. Subhasree Patel

...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.

We have considered the materials on record including the statement of the victim lady which shows consensual relationship between two adults.

Keeping in mind the aforesaid fact, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only), with two sureties of like amount each one of whom must be local, 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 condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)