

21.12.2021
tkm/ct 28
sl no. 74

C.R.M. 8496 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S case no. 649 of 2021 dated 1.9.2021 under sections 448/376/509/506/34 of the IPC
And

Allowed

In Re : Hajatul @ Hajatul Ali @ Nunu petitioner

Mr. K Bagchi
Mr A Sarkar
Ms. P Kar
Mr. S Mukherjee

..... for the petitioner

Mr. T K Ghosh
Ms. S Bhar

..... for the State

It is submitted on behalf of the petitioner that there was consensual relationship between the parties. They were arrested in a compromising position and released on bail. Subsequently, the petitioner has been falsely implicated in the instant case.

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. Allegation of forcible rape may be assessed in the light of the aforesaid circumstances during trial. However, in the facts and circumstances of the case, we are of the opinion 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/- 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.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 8496 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)