

C.R.M. 11126 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rejinagar Police Station Case No. 340 of 2020 dated 27.11.2020 under section 417/376/379 of the Indian Penal Code.

**In re : Md. Yeachhuddin Sk @ Md Yeachhaddin Sk
@ Md Yeachhaddin ... Petitioner.**

Mr. Kingsuk Mondal ... for Petitioner.

Ms. Faria Hossain,
Ms. Sonali Das ... for State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Md. Yeachhuddin Sk @ Md Yeachhaddin Sk @ Md Yeachhaddin is taken up for hearing and order.

It is submitted on behalf of the petitioner that the victim is a major and consenting lady. Investigation is complete and charge sheet has been submitted. Custodial interrogation of the petitioner is not required.

The State produces case diary and opposes the prayer for anticipatory bail. The State also refers to the statement of the victim under Section 164 of the Code of Criminal Procedure, 1973.

It appears from the statement of the victim under Section 164 of the Code of Criminal Procedure that there was a consensual relationship between the parties. The victim was a major lady and was aware of the consequences of such relationship. Investigation is complete and charge sheet has been submitted. Custodial

interrogation of the petitioner is not required.

Accordingly, we are inclined to grant anticipatory bail in favour of the petitioner.

Accordingly, we direct that in event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11126 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)