

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

**CRM 64 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Pundibari Police Station Case No.623 of 2019 dated 22.11.2019 under Sections 406/376/325/34 of the Indian Penal Code.

And

In the matter of: Mithun Das

.... Petitioner

Mr. Subhasish Mishra

... For the Petitioner

Mr. Arun Kumar Sarkar,
Mr. Abhijit Sarkar.

... For the State

Learned counsel for the petitioner submits that the alleged victim was married at the juncture when the offence took place and she had a relationship with the petitioner. However, the allegations levelled against the petitioner indicate that the petitioner had committed sexual intercourse on the promise of marriage.

Learned counsel for the State opposes the prayer for anticipatory bail.

In view of the circumstances, we deem it fit to grant anticipatory bail to the petitioner, particularly since there is scope of doubt as regards the consensual nature of the alleged offence.

Accordingly, CRM 64 of 2021 is allowed, thereby granting anticipatory bail to the petitioner. In the event of arrest, the petitioner shall be released immediately on bail upon furnishing a bond of

Rs.5,000/- with one surety to the satisfaction of the arresting officer.
The petitioner shall report before the investigating officer once in a month and shall also comply with the conditions stipulated in Section 438(2) of the Code of Criminal Procedure.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)