

SL. 61.
March 17, 2021.
MNS

CALCUTTA HIGH COURT
IN THE CIRCUMIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. 191 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on January 29, 2021 in connection with Alipurduar Police Station Case No. 298 of 2014 dated September 16, 2014 under Sections 376/417/494/506 of the Indian Penal Code, 1860.

And

In Re : Bablu Barman @ Bimal Barman

... petitioner.

Mr. Hillol Saha Podder

... for the petitioner.

Mr. Abhijit Sarkar

... for the State.

Heard learned advocates appearing for the respective parties.

Learned counsel for the petitioner submits that the materials on record do not disclose any credible evidence of the apprehended offences being committed by the petitioner.

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

It appears from the materials on record that the statement recorded under Section 161 of the Code of Criminal Procedure reveals that, although there was an allegation coming within the purview of Section 376 of the Indian Penal Code, the petitioner had allegedly given a proposal of marriage to the victim, but it was subsequently discovered that the petitioner was previously married.

In view of the apparent cohabitation between the victim and the petitioner for some time, a *prima facie*

doubt arises as to whether the alleged act was consensual or not.

As such, in the opinion of this Bench, the benefit of anticipatory bail ought to be extended to the petitioner.

Accordingly, C. R. M. 191 of 2021 is allowed, thereby granting anticipatory bail to the petitioner on the following conditions:

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner shall attend on every date of trial before the concerned court as well as desist from committing any act similar to the offences he apprehends to be charged with. That apart, the petitioner shall not make any inducement, threat or promise to any person acquainted with the facts of the present case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence during the course of the trial.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)