

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

CRM 864 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Woman Police Station Case No.67 of 2021 dated 24-05-2021 under Sections 376(2)(n)/506 of the Indian Penal Code.

- A n d -

In the matter of : Hirendra Kumar Sarkar @ Sagar
.... Petitioner.

Mr. Hillol Saha Podder

... For the Petitioner.

Mr. Nilay Chakraborty,
Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee

... For the State.

The charge against the petitioner is one of rape. The petitioner says that the victim, a married lady, came to know the petitioner through Facebook and has been having extra marital affair with the petitioner since the year 2018. The physical relationship that they have had is completely consensual.

We find from the complaint that the victim has alleged that in 2018, 2019 and in 2021, the petitioner blackmailed her into having physical relationship with the petitioner. We have seen the medical report. There is no sign of any injury. *Prima facie*, it appears to us that there may not be much substance in the complaint of the victim.

On an overall assessment of the material in the Case Diary including the statement of the victim lady, although charge sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner may not be

necessary so long as he cooperates with the Investigation Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Hirendra Kumar Sarkar @ Sagar**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and shall meet the Investigating Officer once every fortnight until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 864 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**