

CRM(A) No.148 of 2022

Via video conference

01.02.22

(S.R.)

Sl.47

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Burdwan Women** Police Station Case No.344 of 2021 dated 16/11/2021 under Sections 376/417 of the Indian Penal Code;

And

In re: Jaydeb Biswas

... petitioner.

Mr. Uday Sankar Chatterjee

Mr. Suman Sankar Chatterjee

Mr. Santanu Maji

Mr. S. Saha

... for the petitioner.

Mr. Bidyut Kr. Ray

Ms. Ratna Ghosh

...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is a retired military person. His relationship with the victim lady was consensual in nature. The victim lady is an adult woman and she was aware of the consequences of such relationship. In view thereof, the ingredients of Section 376 of the Code are not attracted against the petitioner and he may be granted anticipatory bail on any stringent condition.

Mr. Ray, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164, and the medical report.

Prima facie, it appears that the victim lady was misled by the petitioner. Considering the nature of accusations and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour.

The application for anticipatory bail being CRM(A) No.148 of 2022 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)