

07.06.2022

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Allowed

C.R.M.(A) 2350 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Swarup Nagar Police Station Case No. 230 of 2022 dated 15.03.2022 under Sections 376/417/406 of the Indian Penal Code.

And

In Re : Uttam Adhikary petitioner

Mr. Apalak Basu

Mr. Indranil Chowdhury

Mr. Nazir Ahamed

.....for the petitioner

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

....for the State

It is submitted by the learned Counsel appearing for the petitioner that there was consensual cohabitation between the parties and victim was a major lady.

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

We have considered the materials on record including the statement of the victim lady. Victim lady was major at the time of cohabitation and was aware of the consequences of her activities.

In view of the aforesaid facts, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the investigating officer once in a week until further orders and shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

