

13.06.2022

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Allowed

C.R.M.(A) 2606 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar Women Police Station Case No. 93 of 2022 dated 25.04.2022 under Sections 376/506/313/420 of the Indian Penal Code.

And

In Re : Md. Humayun petitioner

Mr. Rana Mukhopadhyay
.....for the petitioner

Mr. Abhra Mukherjee
Ms. Manisha Sharma
....for the State

Learned Counsel appearing for the petitioner submits that the victim was a major lady and the allegation of sexual intercourse on the strength of deception appears to be patently absurd.

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

Having considered the materials on record and keeping in mind the nature of allegations including statement of victim lady it appears that the petitioner took advantage of her on the ruse of curing her ailments. She, however, did not promptly raise any protest but continued her association with him.

Under such circumstances, we are of the opinion custodial interrogation of the petitioner may not be necessary, he requires to co-operate with investigating agency.

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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall meet the investigating officer once in a week until further orders.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)