

14.06.2022
cm/ct 28
sl no. 113

C.R.M. (A) 2675 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baishnabnagar P.S case no. 453 of 2022 dated 28.5.2022 under section 376 IPC
And

Allowed

In Re : Shisir Kumar Sarkar @ Sisir Sarkar

..... petitioner

Mr. A K Bhowmick

..... for the petitioner

Ms. Baishali Basu

..... for the State

It is submitted that there was consensual relationship between the parties.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered materials on record including the statement of the victim recorded under section 164 Cr.P.C. Victim stated she was assaulted by her husband over the incident which probabalises submission of consensual association.

Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

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.

Petitioner shall appear before the court below and prays for regular bail within four weeks from date.

The application being CRM (A) 2675 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)