

17.06.2022
Sl. No.137
akd
[ALLOWED]

C. R. M. (A) 2831 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.06.2022 in connection with Kaliachak Police Station Case No. 581 of 2022 dated 01.06.2022 under Sections 376/417/406/34 of the Indian Penal Code.

And

In Re: **Momarul Sk. @ Mamarul Sk. & Anr.**

... .. Petitioners

Mr. Mrityunjoy Chatterjee

... .. for the petitioners

Ms. Sreeparna Das

... .. for the State

Heard the learned advocate appearing for both the parties.

We have considered the materials on record. Victim was a major lady at the time of cohabitation and was aware of the consequences thereof. In view of the aforesaid fact, we are of the opinion custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Momarul Sk. @ Mamarul Sk. & (2) Hobibur Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)