

30.09.2022.

52.

AD/KC

(Allowed).

C.R.M. (A) 4781 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat P. S.** Case No.398 of 2022 dated 08.06.2022 under Sections **417/493/376/506** of the Indian Penal Code.

In the matter of : Ashok Sarkar

... Petitioner.

Mr. Jayanta Narayan Chatterjee

Mr. Nazir Ahmed

Ms. J. Patra

Ms. Sreeparna Ghosh

Ms. D. Das

...for the Petitioner.

Ms. Sonali Das

.....for the State.

Petitioner submits victim was a major lady and there was an amorous relationship between them. Allegation of rape is out and out false.

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

We have considered the materials on record. Victim was a major lady at the time of co-habitation and was aware of the consequences thereof. In view of the aforesaid circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and the petitioner 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 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 appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)