

30.09.2022

sl. 37

Dd

Allowed

CRM (A) 4753 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **668** of **2022** dated **29.08.2022** under Sections **417/376** of the Indian Penal Code.

And

In Re : Siraj Sk petitioner

Mr. Khalid Hasan,

.....for the petitioner

Mr. Debabrata Chatterjee,

Ms. Debjani Dasgupta,

....for the State

Petitioner submits victim was a major lady at the time of cohabitation. He prays for anticipatory bail.

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

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Criminal Procedure Code. Statement recorded under Section 164 of the Criminal Procedure Code states that the victim was a married lady at the time of cohabitation.

In view of the aforesaid facts and circumstances, 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/- (Rupees Ten Thousand Only), 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 the petitioner 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)