

01.12.2023
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[ALLOWED]

C. R. M. (A) 5141 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 501 of 2023 dated 07.09.2023 under Sections 376(2-n)/417/506/34 of the Indian Penal Code.

In Re: ***Sajal Kumar Debnath @ Kanchan Debnath.***
... ... Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Manas Das,
Mr. Debapriya Majumdar,
Mr. Tushar Hazra.

... ... for the petitioner

Ms. Sreyashee Biswas.

... ... for the State

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Victim was a major lady at the time of cohabitation and was aware of the consequences thereof. Allegation of rape is required to be assessed in the light of the aforesaid circumstance.
3. Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be enlarged on bail.
4. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Sajal Kumar Debnath @ Kanchan Debnath*** be released on bail upon furnishing a bond of Rs.10,000/-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 they shall appear before the court below and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)