

D/L 201
February 9, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 58 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Kumargram Police Station Case No. 370 of 2022 dated 28.12.2022 under Section 376(2)(n)/420/506 of the Indian Penal Code

And

In the matter of: Chandan Kumar Das @ Chandan Das

.... petitioner

Mr. Sudip Guha

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Biswarup Roy

... for the State

Learned counsel for the petitioner contends that there was consensual relationship between the petitioner and the victim lady, both of whom are married persons.

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

However, in the light of the circumstances revealed from the materials on record, we are of the *prima facie* opinion that there is sufficient scope of attributing consensuality to the relationship between the petitioner and the victim.

As such, CRM (A) 58 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall

satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar. The petitioner shall not leave the territorial jurisdiction of the concerned police station and shall meet the Investigating Officer as and when so required.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)