

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

27.02.2023.
137.
as
(Allowed).

C.R.M. (A) 87 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga P. S. Case No.281 of 2022 dated 24.05.2022 under Sections 417/420/376 of the Indian Penal Code.

In the matter of : Sujay Roy.

... Petitioner.

Ms. Suman Sehanabis (Mondal),
Mr. Sulok Sah.

...for the Petitioner.

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee.

.....for the State.

Mr. Hillol Saha.

...for the de-facto complainant.

Petitioner submits victim was major at the time of occurrence. He prays for anticipatory bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant submits that the victim was differently abled and the petitioner had taken advantage of her situation.

We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was aware of the consequences thereof.

Keeping in mind the aforesaid fact, we are of the opinion custodial interrogation of the petitioner for the

purpose of investigation is not necessary and he 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.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)