

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

27.02.2023.
162/tkm

C.R.M. (A) 112 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. 1612 of 2022 dated 17.10.2022 under sections 406/420/376(2)(n)/313/323/379/506/34 of the Indian Penal Code and

Allowed

In Re : Prasenjit Barman ... petitioner

Mr. S Misra

..... for the petitioner

Mr. A S Chakraborty

Mr. S S Sikdar

..... for the State

It is contended on behalf of the petitioner that there was a love affair between the parties. 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. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission that there was prior acquaintance between the parties.

Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners 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 also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) 112 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)