

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

01.03.2023.
40.
as
(Allowed).

C.R.M. (A) 163 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tufanganj P. S. Case No.981 of 2022 dated 30.11.2022 under Sections 448/376(2)(n)/506/109 of the Indian Penal Code.

In the matter of : Amit @ Amrit @ Bhoda Debnath.
... Petitioner.

Mr. Hillol Saha Podder,
...for the Petitioner.

Mr. Aditi Shankar Charakraborty, Id. A.P.P.,
Mr. Sagnik Sikdar.
.....for the State.

It is submitted on behalf of the petitioner there was an illicit relationship between the petitioner and the victim. Initially FIR was registered against him being Tufanganj P.S. Case No.939 of 2022 dated 11.11.2022 under Sections 448/323/324 of the Indian Penal Code. Subsequently, present case has been registered.

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

We have considered the materials on record including the statement of the victim lady. Allegation of forcible rape requires to be assessed in the light of delay in lodging the first information report as well as the earlier criminal case

registered against the petitioner wherein there is no allegation of forcible rape.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner viz., Amit @ Amrit @ Bhoda Debnath 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 petitioners 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.)