

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

06.03.2023.
32.
as
(Allowed).

C.R.M. (A) 175 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Matigara P. S. Case No.25 of 2023 dated 11.01.2023 under Sections 448/325/427/506 of the Indian Penal Code and added Section 376 of the Indian Penal Code.

In the matter of : Md. Mehebub Alam @ Mehebub Alam.
... Petitioner.

Mr. Sabir Ahmed,
Mr. Arijit Ghosh,
Mr. Ali Ahsan Alamgir,
Mr. Asif Iqbal.

...for the Petitioner.

Mr. Abhit Sarkar,
Mr. Chattu Roy.

.....for the State.

It is submitted on behalf of the petitioner there was a consensual relationship between the parties. As the petitioner was unwilling to continue with the relationship, he has been falsely implicated. Allegation of forcible rape is out and out false. On 7.1.2023 he was in Calcutta at his place of work i.e. R. G. Kar Medical College and Hospital. He prays for anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail. He submits that the victim was induced to cohabit through deceit and subsequently forcibly raped.

We have considered the materials on record. Victim was a major lady at the time of free mixing. She was aware of the consequence of such association. Allegation of forcible rape on 7.1.2023 requires to be seen in the light of the continuing relationship and the plea of alibi taken by the petitioner.

Under such circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary but petitioner requires to co-operate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest the petitioner viz., Md. Mehebub Alam @ Mehebub Alam 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 and on further condition that the petitioner shall meet the Investigating Officer once in a month until further orders.

This application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

