

22.09.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 748 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.09.2023 in connection with Banarhat Police Station Case No. 200 of 2023 dated 28.07.2023 under Sections 493/376 of the Indian Penal Code.

In the matter of : Arun Adhikari @ Mahadeb

... Petitioner

Mr. Gobinda Saha,
Mr. Tamal Kumar Sen,
Ms. Priyanka Dey

...for the Petitioner

Mr. Sourav Ganguly,
Ms. Sukannya Adhimary

.....for the State.

1. Learned counsel appearing for the petitioner contends that admittedly there was a love affair between the petitioner and the victim, both of whom were adults at the relevant point of time as well. Moreover, there is some confusion in the medical report as to whether the offence was established against the petitioner *prima facie*.
2. Learned counsel for the State opposes the prayer for anticipatory bail.
3. However, keeping in view the above mitigating factors, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, CRM (A) 748 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.
5. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri and on further condition that the petitioner shall make himself available in the event so required for the purpose of investigation and shall meet the Investigating Officer once in every month.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)