

07.02.2023
208
mb

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

CRM (A) 782 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.12.2022 in connection with New Jalpaiguri Police Station Case No. 873 of 2022 dated 11.08.2022 under Sections 376/417/120B of the Indian Penal Code.

In the matter of : Babul Ansari @ Babu Ansari

... petitioner

Mr. Sayan De,
Mr. Sampad Das,
Ms. Esha Acharya

...for the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy

.....for the State.

Learned counsel appearing for the petitioner contends that there was an admitted amorous relationship between the victim and the petitioner and both were consenting adults. However, allegedly a promise of marriage given by the present petitioner was not honoured subsequently leading to the allegation being made.

Learned counsel appearing for the State opposes the prayer for anticipatory bail. However, from the materials on record we are sufficiently convinced that there was admittedly a relationship between the parties for several years and, as such, element of consentuality cannot be ruled out in the present case.

Accordingly, CRM (A) 782 of 2022 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.

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 not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall meet the Investigating Officer once in a fortnight till investigation is complete.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)