

25.04.2024
SL No.20
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 298 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kuchlibari Police Station Case No.10 of 2024, dated 19.01.2024 under Sections 376/506/323 of the Indian Penal Code.

And

In the matter of : **Md. Rubel @ Md. Rubel Hoque**

- Petitioner.

Mr. Subhasish Misra,

Mr. Satyajit Paul

... For the Petitioner.

Mr. Ujjwal Lucksom

Mr. Sourav Ganguly,

Mr. Dhiman Sil

... For the State.

1. It is submitted that the allegation as made out in the FIR is out and out false inasmuch as the victim lady being a major is a consenting party to the alleged cohabitation.
2. Mr. Lucksom, learned Counsel appearing for the State opposes the prayer for anticipatory bail.
3. On conjoint perusal of the statement of the victim as recorded under Section 164 of the Cr.P.C. and the written complaint, we find some contradiction at least prima facie. We are, thus, inclined to allow the prayer for anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md. Rubel @ Md. Rubel Hoque**, be released on bail upon furnishing a bond of Rs.10,000/-, with two registered 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. It is further directed that the present accused petitioner shall meet the Investigating Officer of this case once in a week and shall not enter the village where the victim resides and shall inform the Investigating Officer the place where the accused shall reside henceforth till the conclusion of the investigation and the accused shall cooperate with the investigation. All necessary details including the mobile number of the accused shall be shared with the Investigating Officer positively within a week from date. In default, this order shall stand recalled.
5. The application for anticipatory bail is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)