

29.04.2024
SL No.151
Court No.1
(gc)
(Allowed)

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

CRM (A) 373 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Samuktala Police Station Case No.36 of 2024 dated 09.02.2024 under Sections 417/109/376 of the Indian Penal Code.

And

In the matter of : **Biswajit Das**

- Petitioner.

Mr. Arnab Saha

....For the Petitioner.

Mr. Ujjwal Luksom,

Ms. Namrata Das

... For the State.

1. Heard.
2. It is submitted on behalf of the petitioner that the allegation as made out in the FIR is the outcome of a consensual relationship between two adult male and female and the allegation as made out in the FIR is out and out false.
3. Prayer for anticipatory bail has been opposed by the State.
4. On perusal of the entire materials of the Case Diary including the statement of the victim as recorded under Section 164 of the Cr.P.C., it reveals that both the petitioner and the victim are adult. It further reveals at least prima facie that there was free mixing between them in between February, 2023 to December, 2023.

5. Such being the position, we are inclined to allow the prayer for anticipatory bail.
1. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Biswajit Das**, shall 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 till submission of the final report and also with a further condition that the present accused petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provision of Section 317 of the Cr.P.C. and the petitioner shall not leave the territorial jurisdiction without the leave of the learned Trial Court.
2. The application for anticipatory bail is, thus, disposed of.
3. 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.)