

30.09.2022.

47.

AD/KC

(Allowed).

C.R.M. (A) 4775 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harischandrapur P. S.** Case No.**778 of 2022** dated **27.08.2022** under Sections **417/376** of the Indian Penal Code.

In the matter of : Anwar Ali

... Petitioner.

Mr. Tapan Datta Gupta

Mr. Parvej Anam

...for the Petitioner.

It is submitted on behalf of the petitioner that the victim was a major lady at the time of cohabitation. There is delay in lodging the First Information Report.

Credibility of the allegation of rape must be assessed in the light of the aforesaid submissions made on behalf of the petitioner. Since the victim was a major lady at the time of cohabitation, she was aware of the consequence thereof. Hence, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)