

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

**23.11.2021
Sl. No. 67
k.b. /b.r.
Crt. No.1**

**CRM 1025 of 2021
With
IA No. CRAN 1 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with General Register Case No. 1259 of 2021 arising out Alipurduar Women P.S. Case No. 82 of 2021 dated 13.07.2021 under Sections 376(2) (m)/506/109/34 of the Indian Penal Code, 1860.

And

In the matter of: **Shyamal Saha @ Shamal Saha**

....Petitioner.

Mr. Arnab Saha

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Tapan Bhattacharjee

...for the State.

Heard learned advocates for both the parties.

Learned advocate for the petitioner submits that there is a consensual relationship between the petitioner and the *de facto* complainant and as such the petitioner has been subsequently falsely implicated in the instant case

Learned advocate further submits that the custodial interrogation of the petitioner may not be warranted in the facts and circumstances of the case.

Learned advocate for the State produces the case diary and draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Having regard to the incriminating materials appearing against the petitioner in the case diary and the extent of complicity of the petitioner in the alleged offence, we are not inclined to extend the privilege of anticipatory bail to the present petitioner.

Accordingly, the application for anticipatory bail, being CRM 1025 of 2021 is dismissed.

The application bearing I.A. No. CRAN 1 of 2021 is also disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh,J.)

(Subrata Talukdar, J.)