

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

27.02.2023.
168/tkm

C.R.M. (A) 118 of 2023

In Re : An application for anticipatory bail under section 438 of the
Code of Criminal Procedure in connection with Alipurduar Women
P.S case no. 3 of 2023 dated 7.1.2023 under sections
448/376(2)(n)/417/506/509/34 of the IPC
and

Allowed

In Re : Shyamali Ghosh @Swapna Ghosh petitioner

Mr. A Saha

..... for the petitioner

Mr. Ujjwal Lukcom

Mr. Sourav Ganguly

..... for the State

We have considered the materials on record. Victim is a
major lady. There was prior acquaintance between the parties.
Allegation of forcible rape requires to be assessed in the light of
the aforesaid circumstances during trial.

In view of the aforesaid facts, we are inclined to grant
anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the
petitioners 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 also subject to the
conditions as laid down under section 438(2) of the Code of
Criminal Procedure, 1973.

Petitioner shall appear before the court below and pray
for regular bail within four weeks from date.

The application being CRM (A) 118 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)