

25.06.2019.
Item No.31
(Rejected)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 244 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.04.2019 in connection with Ghoksadanga Police Station Case No. 221 of 2018 dated 20.12.2018 for commission of offence punishable under Sections 448/325/326/307/376/511/34 and adding Section 302 of the Indian Penal Code, 1860 and adding Section 8 of the Protection of Children from Sexual Offences Act, 2012 ;

And

In the matter of : Umar Ali Mia @ Omar Ali Miya.

... petitioner.

Mr. Hillol Saha Poddar.

...For the petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Das.

...For the State.

Heard the learned Advocates appearing on behalf of the parties.

Apprehending arrest in the connection with Ghoksadanga Police Station Case No. 221 of 2018 dated 20.12.2018 for commission of offence punishable under Sections 448/325/326/307/376/511/34 and adding Section 302 of the Indian Penal Code, 1860 and adding Section 8 of the Protection of Children from Sexual Offences Act, 2012, the petitioner has filed the instant application for anticipatory bail.

It is stated by the petitioner that he has been unnecessarily implicated in the said case though he has no

relation or connection with the principal accused or with the victim girl. It is submitted that he is septuagenarian and, therefore, should be enlarged on bail.

After perusing the statements of several persons recorded under Section 161 of the Code of Criminal Procedure as well as the other materials in the case diary, we do not think that the petitioner should get any immunity in the event of his arrest.

The application for anticipatory bail of the petitioner is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)