

09.12.2021
Court No.32
rpan / **164**

C.R.M. 5537 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Md. Kader Hossain**

- Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
....for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan
....for the State.

Apprehending arrest in connection with Kaliachak Police Station Case No.736 of 2021 dated 17.07.2021 under Sections 379/411/413/414 of the Indian Penal Code, the present application has been preferred.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and he has no antecedent. The allegations levelled are in the abstract and in the said conspectus, custodial interrogation is not necessary.

Mr. Dan, learned advocate appearing for the State opposes the petitioner's prayer and submits that 37 cell phones were seized and the petitioner fled away from the spot. Investigation is still continuing and in view of the incriminating materials in the case diary, his prayer for anticipatory bail may be refused.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the seizure

and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour, more so when, investigation is not yet complete. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM No. 5537 of 2021 is, thus, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)