

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

27.09.2021
Court No.01
Item No.31
Avijit Mitra

CRM 522 of 2021

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

And

In Re: Ranjan Das & ors.

...Petitioners

Mr. Arnab Saha

...For the Petitioners

Mr. Tapan Bhattacharjee,

Mr. Kallol Acharjee,

Ms. Namrata Das

...For the State

Mr. Sourav Ganguly

...For the *De facto Complainant*

Apprehending arrest in connection with Kumargram Police Station Case No.03 of 2021 dated 06.01.2021 under sections 342/325/306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Saha, learned advocate appearing for the petitioners submits that the petitioners are the members of Barobisa Haat Committee and they have been falsely implicated. No overt act has been attributed to the petitioners and there is also no likelihood that they would flee from justice. They are willing to cooperate with the investigation and they may be granted anticipatory bail on any stringent condition.

He further submits that the *de facto complainant* herself lodged the FIR two days after the alleged incident. Subsequently, she executed a declaration on 25th March, 2021 stating *inter alia* that she has lodged the case against the petitioners out of

misunderstanding and misconception. The petitioners had not in any manner instigated the victim. They have been roped in on the basis of mere suspicion.

Mr. Ganguly, learned advocate appearing for the *de facto complainant* submits that the complaint was written by one Chandra Kanta Chakraborty and she put her signature on the same.

Mr. Bhattacharjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statement of witnesses as recorded under Section 161 of the Code.

Prima facie, there are materials on record which clearly indicate the direct involvement of the petitioners in the alleged offence. Considering the gravity of the offence, the nature of accusations and the extent of complicity of the petitioners, we are not inclined to exercise any discretion in their favour and as such, their prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.522 of 2021 is dismissed.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)