

23.09.2021

Court No.01
rpan / **12**

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

C.R.M. 540 of 2021

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

and

In Re : **Sri Uttam Barman**

...Petitioner.

Mr. Kalipada Das

... for the petitioner.

Mr. Nilay Chakraborty,

Mr. Biswarup Roy

... for the State.

Apprehending arrest in connection with Alipurduar Police
Station Case No.397 of 2015 dated 05.10.2015 under Sections
498A/306/109/120B of the Indian Penal Code, 1860, the
petitioner has filed the present application.

The learned advocate appearing for the petitioner submits
that the petitioner is a poor labourer and he was not present at
the place of occurrence on the date of the alleged incident. Co-
accused persons similarly situated had already been granted bail.
Upon completion of investigation charge-sheet has also been
submitted and as such, custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the
petitioner's prayer and submits that the complaint was of the year
2015 and all along the petitioner had been absconding. There are
sufficient incriminating materials on record against the petitioner.

Having heard the learned advocates and considering the
materials in the case diary, the gravity of the offence, the conduct
of the petitioner and the extent of complicity of the petitioner in

the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused.

Accordingly, the application for anticipatory bail, being CRM 540 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.)