

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

28.09.2021
Court No.01
Item No.26
Avijit Mitra

CRM 564 of 2021

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

And

In Re: Mantaj Ali alias Mastan Ali alias Mamtaj Ali & ors.

...Petitioners

Mr. Arnab Sengupta,
Mr. Deborshi Dhar

...For the Petitioners

Mr. Abhijit Sarkar,
Ms. Namrata Das

...For the State

Apprehending arrest in connection with Dhupguri Police Station Case No.260 of 2020 dated 27.07.2020 under sections 341/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Sengupta, learned advocate appearing for the petitioners submits that the petitioners have no nexus with the alleged incident. No overt act has been attributed to the petitioners and they have been falsely implicated in the alleged incident in view of a previous enmity between the parties. In the said conspectus, custodial interrogation is not warranted more so when there is no likelihood that the petitioners would flee from justice.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury report, the seizure list and the statement of the witnesses as recorded under Section 161 of the Code.

Considering the gravity of the offence, the injury report and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioners.

Accordingly, the application for anticipatory bail being C.R.M. No.564 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.)