

15.07.2021

Court No.28
Item No.13
(REJECTED)

Saswata
&
ab

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

(Via Video Conference)

CRM 678 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bagdogra Police Station Case No. 168 of 2021 dated 29.04.2021 under Sections 420/468/471/120B of the Indian Penal Code.

And

In the matter of : **Prem Biswakarma**

...Petitioner

Ms. Madhushri Dutta

...For the Petitioner

Mr. Nilay Chakraborty

Ms. Namrata Das

...For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Bagdogra Police Station Case No. 168 of 2021 under Sections 420/468/471/120B of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioner submits that petitioner has been falsely implicated in this case without actual recovery of any forged documents, said to have been used in facilitating jobs in different organizations like Indian Army, Forest and Indigo Airlines. The main accused was arrested from the spot and the wife of the petitioner has already been granted bail by the Trial Court. It is, thus, submitted that there is no incriminating material available against the petitioner requiring detention in custody to facilitate interrogation leading to the recovery of the materials, supportive of continuance of investigation.

Learned Advocate for the State vehemently opposes the prayer for anticipatory bail submitting that huge fake/forged documents have

been recovered from the house of the petitioner and in connection therewith, the wife of the petitioner was arrested. It is, thus, submitted by the State that there is a racket going on to dupe the innocent job seekers manufacturing some forged documents so as to facilitate jobs in some organizations.

The allegation surfaced against the petitioner is no doubt serious. We have strong reservation to the order of bail granted by the Trial Court. Since, there is a recovery of huge forged documents from the house of the petitioner, though in absence of the petitioner, but it does not matter much.

Having seen the strong incriminating materials transpired against the petitioner, we are of strong view that custodial interrogation of the petitioner is necessary, which would, however, fuel the growth of investigation, now being extensively conducted.

The application for anticipatory bail being CRM 678 of 2021 is considered and ***rejected***.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)