

20.07.2021

Court No.28
Item No.10
(REJECTED)

ab/saswata

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

(Via Video Conference)

CRM 707 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Tufanganj Police Station Case No. 321 of 2021 dated 08.06.2021 under Sections 143/144/147/332/353/436/307/427 of the Indian Penal Code read with Section 30B of the PDPP Act and Section 9 of the MPO Act (G. R. Case No. 428 of 2021).

And

In the matter of : **Majinur Rahaman and others.**
...Petitioners

Mr. Subhasish Misra

...For the Petitioners

**Mr. Ujjwal Luksom,
Mr. Sagnik Shankar Sikdar.**

...For the State.

The Advocate-on-record of the petitioners 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 Tufanganj Police Station Case No. 321 of 2021 under Sections 143/144/147/332/353/436/307/427 of the Indian Penal Code read with Section 30B of the PDPP Act and Section 9 of the MPO Act, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners plead innocence in relation to the alleged offence and prayed for anticipatory bail.

According to the petitioners, the raid was conducted in the midnight and there was some scuffle with the officials and a case has been initiated *suo motu* when there was no serious injury suffered by such officials.

Our attention is drawn to the statements of the injured, wherefrom it appears that three officers suffered injury and there was rampant raucous against such government officials.

We do not think that it is a fit case where the petitioners should get an immunity from arrest, as we think custodial interrogation of the petitioners is necessary.

The application for anticipatory bail being CRM 707 of 2021 is ***rejected.***

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)