

12.
18-08-2021
(ct. no.32)
KOLE
Rejected

**In The Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 836 of 2021**

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Phansidewa Police Station** Case No. **319 of 2021** dated **10-07-2021** under Section **3(i)(iv)(x)** of the NDPS Act.

- A n d -

In the matter of : Md. Jaberul Hussain @ Hossain @ Zabrud Husain Petitioner.

Mr. J. Rudra,

... For the Petitioner.

Mr. Arun Sarkar,
Mr. A. Biswas,

... For the State.

The petitioner has been charged with an offence punishable under the provisions of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

We have seen the FIR and considered the material in the case diary. The Specific allegation is that the petitioner prevented the complainant from cultivating land and abused the complainant because the complainant belongs to scheduled caste/scheduled tribe.

In view of Section 18 of the said Act of 1989 which is a bar to entertaining an application under Section 438 of the Code of Criminal Procedure, we are unable to entertain this application of the petitioner.

The prayer for anticipatory bail is rejected.

CRM No. 836 of 2021 is, thus, dismissed.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)