

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

28.09.2021
Court No.01
Item No.29
Avijit Mitra

CRM 922 of 2021

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

And

In Re: Nasim Ahmed @ Munna

...Petitioner

Mr. Arijit Ghosh

...For the Petitioner

Mr. Abhijit Sarkar,
Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas

...For the State

Apprehending arrest in connection with Mal Police Station
Case No.404 of 2020 dated 07.11.2020 under sections
379/411/413 of the Indian Penal Code, the present application has
been preferred.

Mr. Sengupta, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated. No overt act
has been attributed to the petitioner and upon completion of
investigation chargesheet has also been submitted and as such,
custodial interrogation is not warranted.

Mr. Luksom, learned advocate appearing for the State
opposes the petitioner's prayer and submits that there are
incriminating materials on record against the petitioner. He is
absconding and the charge sheet has been submitted showing him
absconding.

It appears that the charge sheet was submitted on 22nd December, 2020 and the present application has been preferred on 6th September, 2021. Considering the nature of accusations, the petitioner's conduct and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for anticipatory bail being C.R.M. No.922 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.)