

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

27.09.2021
Court No.01
Item No.39
Avijit Mitra

CRM 947 of 2021

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

And

In Re: Rabbani Ashik & anr.

...Petitioners

Mr. Ayan Bhattacharya,
Mr. Sayantan Sinha

...For the Petitioners

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas

...For the State

Apprehending arrest in connection with Kotwali Police Station
Case No.216 of 2021 dated 06.04.2021 under sections 420/406 of
the Indian Penal Code, the present application has been preferred.

Mr. Bhattacharya, learned advocate appearing for the
petitioners submits that the petitioners have been falsely
implicated. In the initial complaint, the name of one Rejaul Ashik
featured. However, in the application under Section 156 (3) of the
Code, Rejaul Ashik and Rabbani Ashik were included. In view
thereof, the possibility of exaggeration of the allegations cannot be
ruled out. The other co-accused persons have already been granted
anticipatory bail by the learned Court below and there is also no
possibility that the petitioners herein would flee from justice. In the
said conspectus, custodial interrogation of the petitioners is not
warranted.

The learned advocate appearing for the State opposes the
petitioners' prayer and draws our attention to several documents in

the case diary including the statement of witnesses, as recorded under Section 161 of the Code. He further submits that investigation is in progress and as such custodial interrogation of the petitioners is necessary.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. Considering the gravity of the offence, its ramifications and as investigation is still in progress, we are not inclined to exercise any discretion in favour of the petitioners and as such, their prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.947 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.)