

22.12.2021
SL No.21
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 941 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.57 of 2021 dated 10/02/2021 under Section 392 of the Indian Penal Code.

And

In the matter of : **Shailen Barman @ Saylen Barman**
- Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Abhijit Sarkar,

Mr. Sourav Ganguly,

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated on the basis of the statement of the co-accused which is inadmissible in evidence. The learned Counsel further submits that other co-accused persons are on bail.

The learned Counsel for the State produces the case diary and submits that the petitioner has been named in the statements of some of the independent witnesses recorded under Section 161 of the Cr.P.C.

Having considered the materials available in the case diary and taking into consideration that the other co-accused persons were granted bail due to failure on the part of the investigating

agency as would be evident from the order of the learned Additional Sessions Judge, we are not inclined to grant anticipatory bail to the petitioner.

The SP, Cooch Behar is directed to investigate into the matter and find out why T.I. Parade was not done in respect of the two co-accused persons who are enlarged on bail and fixed responsibility of the persons who are responsible for such laches.

With the aforesaid observation, the application for anticipatory bail, being CRM No.941 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)