

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

01.10.2021
Court No.01
Item No.32
Avijit Mitra

CRM 987 of 2021

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

And

In Re: Soumyadeep Naha

...Petitioner

Mr. Alokesh Doloi,
Ms. Sohini Guha Roy

...For the Petitioner

Mr. Abhijit Sarkar,
Mr. Saikat Chatterjee

...For the State

Apprehending arrest in connection with Madarihat Police Station Case No.116 of 2021 dated 12.08.2021 under sections 406/420 of the Indian Penal Code, the present application has been preferred.

Mr. Doloi, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled are absolutely unfounded. A notice under Section 41A was initially issued but he could not respond to the same since he was not in the city and was accompanying his mother for her treatment. The petitioner is ready and willing to cooperate with the investigation and he may be granted anticipatory bail on any stringent condition.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He submits that investigation has not yet been completed and the petitioner did not respond to the

Section 41A notice as issued and in view thereof, he is not entitled to the relief, as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner.

Accordingly, the application for anticipatory bail being C.R.M. No.987 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.)