

17.12.2021
Court No.01
Item No. 33

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

sg

**CRM 1165 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 137 of 2021 dated 17.03.2021 under Sections 363/365 of the Indian Penal Code and added Section 364A IPC.

And

In Re: **Jaher Hossein @ Zahir Hosen & Anr.**

Petitioners

Mr. Arijit Ghosh

For the Petitioner

Mr. Kallor Acharjee

Mr. Tapan Bhattacharjee

For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and two other accused persons have been recently enlarged on bail.

The learned Counsel for the State submits that the missing boy has not yet been recovered. It is further submitted that the two accused persons were granted default bail.

Considering the materials available on record and bearing in mind the nature and involvement of the petitioners in the commission of alleged offence and in view of the fact that the missing boy has not yet been recovered, we are not inclined to grant anticipatory bail to the petitioners.

The prayer for anticipatory bail is rejected and CRM 1165 of 2021 is accordingly, 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.)