

21.12.2021
SL No.16
Court No.1
PJ/SK

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

**CRM 1207 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 Siliguri Police Station Case No. 1391 of 2021 dated 05.12.2021 under Sections 381/120B of the Indian Penal Code.

And

In the matter of : **Sabuj Karmakar**

- Petitioner.

Mr. Sayan De,
Ms. Esha Acharya

... For the Petitioner.

Mr. Ujjal Luksom,
Ms. Namrata Das

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and he was apprehended on the basis of the statement of one Dipa Das, who was the principal accused.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and draws our attention to the incriminating materials available on record against the petitioner including the statement of the principal accused directly implicating the petitioner. It is submitted that most of the stolen gold ornaments have not yet been recovered.

Having considered the materials available in the Case Diary and bearing in mind the nature and extent of complicity of the

petitioner in the commission of the alleged offence and having regard to the fact that most of the stolen articles have not yet been recovered, we are of the opinion that this is not a fit case to grant the prayer for anticipatory bail.

Accordingly, the application for anticipatory bail stands rejected.

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.)