

23.12.2021
Court No.01
Item No. 31

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

**CRM 1256 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No. 38 of 2021 dated 25.01.2021 under Sections 498A/376/509/506/34 of the Indian Penal Code.

And

In Re: **Baban Sarkar**

Petitioner

Mr. Subhasish Misra
Mr. Swarup Das

For the Petitioner

Mr. A. Sarkar
Mr. A. Biswas

For the State

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case. It is further submitted that other co-accused persons are on anticipatory bail.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

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 alleged offence and also having regard to the fact that the co-accused persons are not standing on the same footing as that of the present petitioner, we are not inclined to grant anticipatory bail to the petitioner. However, we permit the petitioner to surrender before the learned Trial Court within two weeks from date.

The application for anticipatory bail is, thus, rejected. CRM 1256 of 2021 is accordingly disposed of.

(Biswajit Basu, J.)

(Soumen Sen, J.)