

04.01.2022

Court No.32
rpan / **261**

CRM 7783 of 2021

[Through Video Conferencing]

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

And

In Re.: **Jakir Ali @ Md. Jakir Hossain**

- Petitioner.

Ms. Sujata Das

... for the Petitioner.

Ms. Anasuya Sinha,

Mr. Pinak Kumar Mitra.

... for the State.

Apprehending arrest in connection with English Bazar Police Station Case No.122 of 2018 dated 10.02.2018 under Sections 363/365 read with Sections 364A/306/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Ms. Das, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. One co-accused person similarly situated with the petitioner had already been granted anticipatory bail by a co-ordinate Bench of this Court. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Ms. Sinha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other documents in the case diary. She submits that the extent of complicity of the co-accused person, who has been granted anticipatory bail, is not similar to that of the present petitioner. Furthermore, the petitioner is absconding

for the last three years and charge sheet has been submitted showing him as absconder. There are materials on record revealing involvement of the petitioner in the alleged offence.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the conduct of petitioner and the extent of his complicity in the alleged offence, we are not inclined to grant anticipatory bail.

The application for anticipatory bail, being CRM No. 7783 of 2021 is, thus, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)