

14.
10-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 19 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No.67 of 2021 dated 17-02-2021 under Sections 143/448/379/427/354 of the Indian Penal Code and read with Section 25/27/35 of the Arms Act.

- A n d -

In the matter of : Nijamuddin Sarkar

.... Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, learned APP,
Mr. Sourav Ganguly

... For the State.

The allegation is that the petitioner and other accused persons ransacked the house of the defacto complainant, caused serious damage and escaped with gold ornaments and other articles.

The petitioner says that he has been falsely implicated. He has no connection with the incident.

We have seen the statements of independent witnesses recorded under Section 161 of the Code of Criminal Procedure. They specifically name this petitioner. We have seen the seizure list. Cartridges have been retrieved from the place of occurrence and there are charges under the Arms Act. Charge Sheet is yet to be submitted and investigation is going on.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that custodial interrogation of this petitioner may

be necessary and hence, we are not inclined to allow this application for anticipatory bail.

Accordingly, the application for anticipatory bail being CRM(A) 19 of 2022 is **dismissed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)