

06.07.2022
Court No.1
SL No.25
pk/AP

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 294 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malbazar P.S. Case No.341 of 2022 dated 29.04.2022 under Sections 341/147/148/149/186/427/353/354/332/325/307/431/435 of the Indian Penal Code read with Section 3 of the PDPP Act, Section 9 of MPO Act and Section 8B of the NH Act.

And

In the matter of: **Md. Rafikul @ Md. Rafijul @ Pulku @ Md. Rofikul**

...Petitioner.

Mr. Anirban Banerjee
Ms. Madhushri Dutta
Ms. Shriya Basu

...For the Petitioner.

Mr. Aditi Shankar Chakroborty
Mr. Abhijit Sarkar

...For the State.

The petitioner has been named in the Criminal Misc. Case No.901 of 2022.

Counsel for the petitioner submits that on an allegation of illegal sand mining, the petitioner apprehends arrest. It is submitted that he has not been named in the FIR.

The State has produced case diary which clearly indicates that the petitioner has been named by several witnesses under Section 161 of the CrPC.

In view of the above and considering the facts and circumstances of the case, the argument of learned counsel for the petitioner that the witnesses, who named his client are not

independent witnesses, are police personnel is not found an acceptable reason for allowing bail. The other members of the village who have also been found involved in the illegal sand mining may not readily name the petitioner.

In these circumstances, the application for anticipatory bails is hereby rejected.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)