

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

05.09.2022
Sl. No. 12
k.b. /b.r.
Crt.1
rejected

CRM (A)392 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tufanganj Police Station Case No. 130 of 2022 dated 19.02.2022 under Sections 406/420/506 of the Indian penal Code,1860 corresponding to G.R. Case No. 185 of 2022.

And

In the matter of: **Ashraful Rahaman @ Md. Ashraful Rahaman**

....Petitioner.

Mr. Jagriti Mishra
Mr. Debayan Goswami
Mr. Subham Gupta
Mr. Reshab Kumar

...For the Petitioner.

Mr. Abhijit Sarkar
Ms. Namrata Das

.....For the State.

The petitioner has filed the instant application for grant of anticipatory bail in connection with Tufanganj Police Station Case No. 130 of 2022 dated 19.02.2022 under Sections 406/420/506 of the Indian penal Code,1860 corresponding to G.R. Case No. 185 of 2022 pending before the Learned Additional Chief Judicial Magistrate, Tufangunj.

Learned Counsel for the petitioner submits that the case initiated by the complainant is a civil dispute arising out of the partnership deed between the petitioner and the de-facto complainant.

Learned Counsel for the petitioner submits that after the completion of the licence period of six months, the complainant has filed the instant complaint against the petitioner only to extract the money from the petitioner.

Learned Counsel for the State submits that the investigation is in progress and about 300 cows are missing and the petitioner has to provide the justification with regard to missing of 300 cows for that reason custodial interrogation of the petitioner is required.

Having perused the Case Diary and the materials on record, we find this is not a fit case to grant anticipatory bail as the custodial interrogation is necessary for proper and fair investigation of the instant case.

In view of the above, the prayer for anticipatory bail is rejected.

CRM(A) 392 of 2022 is dismissed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Courts.

(Krishna Rao, J.)

(Subrata Talukdar, J.)

