

D/L 236
February 6, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 22 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Coochbehar, Kotwali Police Station Case No. 1049 of 2022 dated 21.09.2022 under Sections 365/368/326/307/34 of the Indian Penal Code.

And

In the matter of: Bibhas Mitra @ Bappa Mitra

.... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioner submits that the other co-accused persons have already been enlarged on bail. As such, the petitioner should be benefited with anticipatory bail. It is further submitted that the ingredients of the alleged offence are not satisfied in the case of the petitioner.

Learned counsel for the State opposes the prayer for anticipatory bail and submits, by placing reliance on the statement under Section 164 of the Code of Criminal Procedure, that the petitioner was specifically named therein as well as in the FIR and that the allegations against the petitioner were much serious than the

other co-accused persons, who have been enlarged on bail. As such, the petitioner is on a different footing than the other co-accused.

Upon hearing learned counsel for the parties, we are convinced that grant of anticipatory bail to the petitioner at this juncture might prejudice the investigation.

Accordingly, CRM (A) 22 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)