

D/L 224  
February 7, 2023  
MNS

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

**CRM (A) 37 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Naxalbari Police Station Case No. 267 of 2022 dated 14.10.2022 under Sections 465, 468 and 471 of the Indian Penal Code, 1860.

And

In the matter of: Sri Ratan Barman

.... petitioner

Mr. Chand Shil,  
Mr. Abhilash Mittal

... for the petitioner

Mr. Saikat Chatterjee,  
Mr. Chattu Roy

... for the State

Learned counsel for the petitioner contends that the petitioner is entitled to get anticipatory bail since the main perpetrator of the alleged offence, one Jagadish Roy, has already been enlarged on bail.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is a habitual offender, as transpired from the seizure of computer and other documents from the petitioner as well as other ID Cards from a raid to the petitioner's office.

Learned counsel for the State also controverts the contention of learned counsel for the petitioner that no notice under Section 41A has been served on the petitioner.

Upon hearing learned counsel for the parties, we do not find any basis for the apprehension of the petitioner that Section 41A will not be complied with in this case and/or the same is mandatory in view of the nature of allegations made. Moreover, such apprehension will be more of a premature assumption than fact at this stage.

In view of the allegedly fake ID Cards recovered in the raid of the petitioner's office by the investigating authorities, we are not inclined to grant anticipatory bail to the petitioner at the present moment.

Accordingly, the CRM(A) 37 of 2023 is dismissed.

However, nothing in this order shall preclude the petitioner from surrendering and obtaining regular bail from the jurisdictional court, which will decide such prayer, if made, without being influenced in any manner by any of the observations made herein.

**(Sabyasachi Bhattacharyya, J.)**

**(Rai Chattopadhyay, J.)**