

AD-190
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (A) 45 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 Bagdogra Police Station Case No. 525 of 2022 dated 27.10.2022 under Sections 406/420/120B IPC, corresponding to G.R. Case No. 4728 of 2022.

And

In the matter of: Dipak Limbu

.... petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy

... for the State

Learned counsel for the petitioner contends that the role of the present petitioner in the alleged offence, even as per the complaint, is limited inasmuch as the name of the petitioner did not find place in the FIR.

That apart, it is submitted that in view of the petitioner not being directly connected with the offence at all, the prayer for anticipatory bail should be considered.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner is the mastermind of the fraud and had hired the other co-accused persons for the purpose of committing the offence. As such, the prayer for anticipatory bail ought to be refused.

Although in the present case, the other co-accused persons have been released on bail, in view of the nature of the allegation against the petitioner being on a higher footing than that of the co-accused persons as per the prosecution case, we are not inclined to grant anticipatory bail.

Accordingly, CRM (A) 45 of 2023 is dismissed.

However, the petitioner will be at liberty to surrender and obtain bail from the jurisdictional court. If so approached, the jurisdictional court shall consider the same independently without being influenced in any manner by any of the observations made herein.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)