

09.02.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 50 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Samuktala Police Station Case No. 15 of 2022 dated 09.01.2022 under Sections 448/325/307/379 of the Indian Penal Code.

In the matter of : Biswa Kumar Sen @ Biswajit Sen @ Biswajit
... petitioner

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh (Sengupta)
...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Arjun Chowdhury
.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that the petitioner is entitled to get anticipatory bail since the nature of allegation against the petitioner is petty inasmuch as the petitioner allegedly stole an amount of Rs.10,000/- only from under the pillow of the victim lady.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that the victim lady, who is about 65 years of age, was sought to be strangled by the petitioner and money was taken from her forcibly by the present petitioner.

Keeping in view the nature of the allegations, we are not inclined to grant anticipatory bail to the petitioner at this stage.

Accordingly, CRM (A) 50 of 2023 is dismissed.

However, the petitioner will be at liberty to approach jurisdictional trial court and upon surrendering there, may pray for bail.

If so approached, the trial court shall decide the issue independently without being prejudiced by the present refusal.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)