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

CRM (A) 56 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Sitalkuchi Police Station Case No. 83 of 2021 dated 10.04.2021 under Sections 147/148/149/302 /307/34 of the Indian Penal Code.

In the matter of : Md. Karim Mia

... petitioner

Mr. Kumar Shantanu,
Ms. Kasturi Hazari,
Mr. Abhishek Sarkar

...for the petitioner

Mr. Sudipto Kumar Mzumdar,
Mr. Ajoy Kumar Singhanian

.....for the respondents

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that the petitioner does not have any direct involvement in the alleged offence. It is contended that petitioner's name did not find place in the complaint lodged under the SC/ST (Prevention of Atrocities) Act, 1989.

Learned Deputy Solicitor General appearing for the respondent-authorities submits that complaints were lodged against the petitioner and other co-accused persons under Section 3(1)(1), 3(2)(v) & (va) of the ST/SC (Prevention of Atrocities) Act, 1989. It is contended that from the

documents on record it is evident that the petitioner was directly involved in the offence and, as such, counsel opposes the prayer for anticipatory bail of the petitioner.

The Case Diary is also sought to be produced on behalf of the respondent-authorities.

We find from the documents annexed to the present petition that there was direct allegation that the petitioner was the part of a gang which was involved in poll violence.

In view of the nature of allegation levelled against the petitioner, we are not inclined to grant anticipatory bail to the petitioner.

Hence, CRM (A) 56 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)