

13.06.2023
SL No.20
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 369 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.143 of 2023, dated 21.03.2023 under Sections 448/325/436/506/34 of the Indian Penal Code.

And

In the matter of : **Abu Taleb Miah & Ors.**

- Petitioners.

Mr. Hillol Saha Podder

... For the Petitioners.

Mr. Tapan Bhattacharjee,

Mr. Dhiman Sil

... For the State.

The learned Counsel for the petitioners submits that the petitioners and the de-facto complainants are neighbours and due to enmity this false complaint has been filed.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the name of the petitioners transpired from the statement recorded under Section 161 of the Cr.P.C.

Considering the materials available in the case diary and the statement of the independent witnesses recorded under Section 161 of the Cr.P.C. directly implicating the petitioners in the commission of alleged offence, we are not inclined to grant anticipatory bail to the petitioners at this stage.

Accordingly, the application for anticipatory bail stands rejected and disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)