

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

**17.08.2023  
Court No.1  
(AK 42)**

**CRM(A) 587 of 2023**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Jaigaon Police Station Case No. 161 of 2023 dated 14.06.2013 under Sections 448/468/471 of the IPC, 1860.

And

In the matter of: **Asraful Islam**

. . . . .**Petitioner.**

Ms. Mousumi Das

... For the Petitioner.

Mr. Sourav ganguly  
Mr. Subhasish Misra

... For the CBI.

It is submitted on behalf of the accused petitioner that he is absolutely innocent and has been forcibly entangled with the offence alleged. It is further submitted that this accused petitioner has got no connection with the case. So learned counsel prays that this accused petitioner may be granted anticipatory bail.

Learned counsel appearing for the State vehemently opposes the prayer for anticipatory bail. He submits that there is a serious allegation of using and manufacturing fake Adhar Card and the incident of holding fake Adhar Card was revealed by the staff of the Military Base. It is further submitted that the investigation is at nascent stage and if at this stage the accused petitioner is granted anticipatory bail then there is every possibility of hampering of the further investigation of the case.

We have considered the rival submissions advanced by both the parties and perused the materials placed before us at the time of hearing. It appears from the materials that there are incriminating materials which

reflect about the *prima facie* involvement of the accused petitioner with the alleged offence. More so, we find that the anticipatory bail is an extraordinary privilege and it should not be granted to the accused petitioner.

We are of the opinion that arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance.

The application for anticipatory bail being CRM(A) 587 of 2023 is accordingly rejected for the above reasons.

**(PRASENJIT BISWAS, J.)**

**(MOUSHUMI BHATTACHARYA, J.)**