

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

5.09.2023
Item no.1
Court No.01
P.P./S.D.

CRM (A) 740 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Yakub Ali & Anr.

.... Petitioners

Mr. Sandeep Dutta

....for the petitioners

Mr. Kallol Acharjee,

Mr. Kallol Nag

..... for the State

Apprehending arrest in connection with Jalpaiguri Kotwali Police Station Case No. 421 of 2023 dated 11.06.2023 under Sections 341/307/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Dutta, learned advocate appearing for the petitioners submits that the incident occurred on the spur of the moment. There was no motive on the part of the petitioners to injure any person. They have been falsely implicated. In view thereof, they may be granted anticipatory bail on any stringent condition.

Mr. Acharjee, learned Advocate appearing for the State opposes the petitioners' prayer and submits that there are strong incriminating materials on record against the petitioners.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, particularly the statement of the injured, as recorded under Section 164 of the Cr.P.C., and the injury report, the extent of complicity of the petitioners in the alleged offence and as investigation is still continuing, we are not inclined to exercise discretion in favour of the petitioners and their prayer for anticipatory bail is refused.

CRM (A) 740 of 2023 is dismissed.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)