

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

10.10.2023.
31/pm

C.R.M.(A) 846 of 2023

In Re : : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.09.2023 in connection with Kotwali P.S case no. 1050 of 2022 dated 22.09.2022 under Sections 420/403/506/34 of the Indian Penal Code.

In Re : Debasis Guha Majumder. petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das

..... for the petitioners

Mr. Abhijit Sarkar,
Mr. Sagnik Sankar Sikdar

.... for the State

The petitioner submits that the petitioner is an aged person and he is seriously ill and considering such aspect benefit under Section 438 of Criminal Procedure Code should be extended to the petitioner.

Learned advocate for the State respondent vehemently opposes and he submits that with an ulterior motive the petitioner took huge amount of money being 26 lakhs from the defacto complainant out of which only one lakh has been paid by giving false assurance. Accordingly learned advocate representing the State respondent submits that immediately after making arrangement the accused person would repay the entire amount.

Heard learned advocates appearing for the respective parties. Perused the Case Diary and other materials on record.

On such hearing and perusal of record this Court is of the view that this is not a fit case and petitioner is not entitled to get any benefit under Section 438 of the Code of Criminal Procedure.

Accordingly this application being CRM (A) 846 of 2023 is rejected.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)