

AD-217
Ct No.01
Jalpaiguri
01.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 778 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **22.12.2022** in connection with **Cooch Behar Kotwali** Police Station Case No. **711** of **2008** dated **25.11.2008** under Sections **302/201/120B/34 IPC** and corresponding to **G.R.** Case No. **712 of 2008**.

And

In the matter of: **Shashi Bhushan Sarkar**

.... petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Aditi Sankar Chakraborty,
Mr. Arjun Chowdhury

... for the State

The petitioner contends that the petitioner is not one of the FIR named accused persons. Subsequently, the name of the petitioner was incorporated. Five of the other co-accused persons out of seven standing on similar footing, to the best of the knowledge of the petitioner, are on bail.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner is absconding for about ten years now. It is further contended that there are allegations against the petitioner including the allegation that the petitioner along with others were commissioned to commit the offence alleged.

We find upon hearing learned counsel that the petitioner has been absconding for about a decade. We do not sympathies with such conduct of the petitioner. However, we cannot enter into the merits of

the contentions of parties while hearing the anticipatory bail application.

Hence, CRM (A) 778 of 2022 is disposed of without granting anticipatory bail but directing the petitioner to surrender and pray for bail before the appropriate court having jurisdiction. It is made clear that if such an application is made, the competent court having jurisdiction shall decide the same independently without being prejudiced by the present refusal.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)