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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 796 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Dinhata Police Station Case No. 332 of 2022 dated 07.07.2022 under Sections 341/323/325/326/307/354/506/34 of the Indian Penal Code.

In the matter of : Mijanur Rahaman @ Mijanur Ahmed and others
... petitioners

Ms. Pratusha Dutta

...for the petitioner

Mr. Kallol Acharjee,
Ms. Namrata Das

...for the State

Mr. Sayan De,
Ms. Esha Acharya

...for the de facto complainant

Heard learned counsel for the parties.

Learned counsel appearing for the petitioners contends that although the prayer for anticipatory bail was refused previously at the instance of the petitioners and other co-accused persons, subsequently, one co-accused person has been enlarged on bail. That apart, it is submitted that the principal accused is in custody at present.

Learned counsel appearing for the State objects to the prayer for anticipatory bail.

Learned counsel appearing for the *de facto* complainant points out that although one of the co-accused has obtained

bail subsequently, there is a pending writ petition at the behest of the victim on the allegation that the petitioners are seeking to harass and threaten the victim. It is, thus, submitted that grant of anticipatory bail to the petitioners at the present juncture may be detrimental to the well-being and safety of the victim.

We are convinced with the submission of the *de facto* complainant. Apart from that, the prayer for anticipatory bail of the petitioners was rejected previously. Although one of the co-accused has been enlarged on bail, the same is not a mitigating factor in the light of the specific subsisting allegations against the petitioners, as ventilated in the present application.

As such, we are not inclined to grant anticipatory bail to the petitioners at this juncture.

CRM (A) 796 of 2022 is, accordingly, dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)