

25.04.2024
Court No.01
Item No. 9
Rejected

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

ar

CRM (A) 256 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kuchlibari Police Station Case No. 68 of 2023 dated 24.06.2023 under Sections 14A/14C of the Foreigners Act, 1946.
And

In Re: **Biswajit Barman**

Petitioner

Mr. Debasish Mukherjee
Ms. Srishti Sarkar

For the Petitioner

Mr. Abhijit Sarkar
Mr. Biswarup Roy

For the State

1. In course of hearing learned advocate for the petitioner submits before this Court that investigation has already been completed. It is further submitted that in CRM (A) 64 of 2024 a coordinate bench of this Court of which one of us (Partha Sarathi Sen, J) was a member granted anticipatory bail to a co-accused, Shyamal Barman vide order dated 30.01.2024. It is further contended that considering the fact that the present accused petitioner is similarly circumstanced with the said Shyamal Barman, the instant application for anticipatory bail may be considered favourably.
2. While opposing the prayer for anticipatory bail, learned counsel for the State has handed over a memo of evidence dated 21.4.2024. It is submitted that the present accused petitioner has similar criminal antecedent with said Shyamal Banerjee.

3. On perusal of the materials placed before us it reveals that apart from the instant case the present accused petitioner involved in six other cases including a case under Foreigners Act and four cases under the Prevention of Cruelty of Animal Act. It thus appears to this Court that by no stretch of imagination it can be said that the present accused petitioner is similarly circumstanced with the accused petitioner, who has been enlarged on anticipatory bail, as referred to above.
4. Accordingly, the prayer for anticipatory bail of the petitioner is considered and rejected.
5. CRM (A) 256 of 2024 is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)