

02.05.2024
Court No.01
Item No. 61

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

ar

CRM (A) 358 of 2024

In Re:- An application for bail under Section 438 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 179 of 2014 dated 02.02.2014 under Sections 302/201/34 of the Indian Penal Code read with Sections 120(B)/435/439 of the Indian Penal Code.

And

In Re: **Aanar Ali @ Anar Md.**

Petitioner

Mr. Jaudeep Kanta Bhowmik

Ms. Debi Sarkar

Mr. Tushar Debnath

Ms. Jasmin Haque

For the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Subhasish Misra

For the State

1. The report dated 01.5.2024 filed by the Commission of Police, Siliguri Police Commissionerate through the learned counsel for the State is taken on record. From the report it reveals that WPA as issued by the learned Trial Court as against the accused petitioner was duly returned after its execution on 10.4.2024. Since the instant application for anticipatory bail has been filed thereafter on 18.4.2024, we hold that the instant application for anticipatory bail is not maintainable.
2. In view of such, we are not inclined to exercise our discretion under Section 438 Cr.P.C in favour of the present petitioner.
3. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.
4. CRM (A) 358 of 2024 is accordingly, dismissed.

5. Considering the conduct of the present accused petitioner, we impose a fine of Rs.5,000/- to be deposited with the Secretary, DLSA, Jalpaiguri within one week from date and that shall be a pre-condition for filing an application for bail after his surrender before the learned Trial Court.
6. The department is directed to communicate this order to the learned Trial Court, which is in seisin over the matter.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)