

12.08.2024
Court No.1
SL No.23
pk/AP

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

CRM(A) 514 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mekhliganj** P.S. Case No.**30 of 2018** dated **31.01.2018** under Sections **448/323/506/328/307/34** of the Indian Penal Code and Section **8** of the POCSO Act corresponding to POCSO Case No.**03 of 2018**.

And

In the matter of: **Tapan Barman**

....Petitioner.

Mr. Satyam Sarkar
Mr. Mrinmoy Chandar Laskar

...for the petitioner.

Mr. Abhijit Sarkar
Mr. Ujjwal Luksom
Mr. Biswarup Roy

...for the State.

Mr. Argha Das
Mr. Jena Chowdhury
Ms. Soumili Chatterjee

...for the de facto complainant.

1. The facts according to the petitioner are that there were long standing land disputes between the petitioner's father-in-law and the latter's brother. It appears from the case diary that the petitioner is alleged to have committed offence under Section 307 of the IPC i.e. attempt to murder against the victim. Learned counsel for the petitioner would argue that the co-accused Nos.2 and 3, father-in-law and mother-in-law, are on bail.

2. Learned counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner is absconding since 2018 when the FIR was registered. It is further submitted that the charge sheet has already been filed.

3. Learned counsel for the de facto complainant opposes the prayer for anticipatory bail.
4. Leave is granted to the learned counsel for the de facto complainant to file vakalatnama with the Registry.
5. Having regard to the facts and circumstances of the case and considering the materials on record and the fact that the petitioner is absconding since 2018 and since the charge sheet has already been filed, this Court is not inclined to grant anticipatory bail to the petitioner.
6. In these circumstances, the application for anticipatory bail is hereby rejected.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)