

AD-22
Ct No.01
Jalpaiguri
20.08.2024
sp

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

CRM (A) 543 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Dinhata Police Station Case No. 584 of the 2023, dated 19.10.2023 under Section 341/323/326/307/354/34 of the Indian Penal Code, 1860.

And

In the matter of: Atikul Mia

.. petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikdar

...for the State

1. The application for anticipatory bail is made on the ground that the other co-accused persons in the FIR have been granted anticipatory bail by a Co-ordinate bench.
2. It appears from the order dated 5th January, 2024 passed by the Co-ordinate bench in CRM (DB) 5 of 2024 granting bail to the father of the petitioner that the petitioner is the person who took the lead in the attack. The record indicates that there are serious injuries inflicted by the petitioner.
3. In addition to the fact that the dispute is between brothers and the family members, this Court also notes that the petitioner is absconding.

4. It is therefore clear from the above that the petitioner stands on a completely different footing from the other co-accused.
5. Hence, the application for anticipatory bail of the petitioner is rejected.
6. All the parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Rajasekhar Mantha, J.)