

22.08.2024
Court No.1
SL No.15
pk/AP

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

CRM(A) 584 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Cooch Behar Kotwali** P.S. Case No. **322 of 2023** dated **05.04.2023** under Sections **364A/323/34** of the Indian Penal Code.

And

In the matter of: **Abdul Rafik @ Mukul**

....Petitioner.

Mr. Sandip Guha Roy

...for the petitioner.

Mr. Abhijit Sarkar
Mr. Dhiman Sil

...for the State.

1. The application for anticipatory bail is made on the ground that the co-accused person has been granted bail. It is clear from the Co-ordinate Bench dated 29.08.2023 in CRM(A) 649 of 2023 granting anticipatory bail to the co-accused that there is no direct evidence in the second co-accused person, namely, Rehanur Islam.

2. Learned counsel for the State opposes the prayer for anticipatory bail and submits that the charge sheet has been filed and the petitioner is absconding.

3. This Court is curious as to how the petitioner, who is a CRPF personnel, could have funded the proposed business for running a petrol pump. The same is a direct violation of his service conditions.

4. Having regard to the facts and circumstances of the case, the statements and the evidence on record, this Court is not inclined to grant anticipatory bail at this stage.
5. The application for anticipatory bail is hereby rejected.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)