

29.11.2024
SL No.48
srm/Mujahid
(Rejected)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (A) 853 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023 filed on **04.11.2024** in connection with **Pundibari** P.S. Case No. **828/2024** dated **10.10.2024** under Sections 329(4)/64/351(3) of the B.N.S.

And

In the matter of: **Mojdul Miah @ Haque**

....Petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Shubham Kumar,
Ms. Santani Das,
Ms. Priti Das

...for the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

...for the State

Despite service, none appears on behalf of the de facto complainant. Affidavit-of-service is taken on record.

Learned Advocate representing the petitioner submits that the petitioner has been falsely implicated in this case. There is a delay in lodging the FIR also. He submits that such delay has made the prosecution case unbelievable and he prays for pre-arrest bail based on these such grounds.

Learned Additional Public Prosecutor produces the case diary and vehemently opposes the prayer for anticipatory bail. He submits that independent witnesses have supported the prosecution case. The statement of the victim has corroborated the prosecution case as well.

Heard learned Advocates for the respective parties, perused the materials including statements of the witnesses recorded under Section 161, Cr.P.C. corresponding to Section 180, B.N.S.S. as well as the statements of the witnesses recorded under Section 164, Cr.P.C. corresponding to Section 180, B.N.S.S.

Considering the materials we are not inclined to grant benefit of Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of B.N.S.S.

Accordingly, the prayer for anticipatory bail is rejected.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)