

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

28.09.2021

Court No.01
rpan / **05**

C.R.M. 127 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Subrata Roy**
- Petitioner.

Mr. Arnab Sengupta (through v.c.),
Mr. Deborshi Dhar
... for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Biswrup Roy
... for the State.

Apprehending arrest in connection with New Jalpaiguri Police Station Case No.691 of 2020 dated 20.06.2020 under Sections 304/34 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Sengupta, learned advocate appearing for the petitioner submits that the petitioner is the factory manager and he had no participation in the alleged incident. The ingredients of Section 304 of the Indian Penal Code do not stand satisfied against him. The principal accused, Bubai Dey Sarkar has already been granted bail. Upon completion of investigation, charge-sheet has also been submitted and as such, custodial interrogation of the petitioner is not warranted.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the post-mortem report.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, it appears from the materials on record that the petitioner is not the principal accused. Considering the nature of accusations and the extent complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary, more so when, upon completion of investigation charge-sheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Subrata Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 127 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)