

21.09.2021

Court No.01
rpan /41

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

C.R.M. 297 of 2021

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

and

In Re : **Amit Ganguly & Another**

....Petitioners.

Ms. Jeenia Rudra (through V.C)

... for the petitioners.

Mr. Tapan Bhattacharjee,

Mr. Aniruddha Biswas

... for the State.

Apprehending arrest in connection with Alipurduar Police
Station Case No.339 of 2019 dated 10.08.2019 under Sections
364/302/120B of the Indian Penal Code, 1860, the petitioners
have filed the present application.

The learned advocate appearing for the petitioners submits
that the petitioners have been falsely implicated. No overt act has
been attributed to the petitioners. Upon completion of
investigation, charge-sheet has also been submitted and as such,
custodial interrogation of the petitioners is not warranted, more so
when, one of the co-accused persons has already been granted
regular bail by the learned court below.

The Learned advocate appearing for the State opposes the
petitioners' prayer and draws our attention to the statements of
witnesses, as recorded under Section 161 of the Code.

It appears that the petitioners herein were last seen with the
victim and the victim expired on the date the alleged incident
occurred. In the said conspectus and considering the gravity of

the offence and the extent of complicity, we are not inclined to exercise any discretion in favour of the petitioners. As such, their prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail, being CRM 297 of 2021, is dismissed.

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.)