

05.08.2021

Court No.28
Item No. JB-06
nandy

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

(Via Video Conference)

CRM 672 of 2021

In Re:- An application for **Anticipatory Bail** under Section 438 of the Code of Criminal Procedure filed in connection with Maynaguri Police Station Case No. 117 of 2021 dated 14.03.2021 under Sections 377/302 of the Indian Penal Code;

and

In the matter of: **Ajay Sarkar**

.....Petitioner

Mr. Debjit Kundu, Advocate

.....for the Petitioner

Mr. Ujjwal Luksom, Advocate

Mr. Biswarup Roy, Advocate

.....for the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Maynaguri Police Station Case No. 117 of 2021 dated 14.03.2021 under Sections 377/302 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The petitioner has filed the instant application for anticipatory bail on the premise that there was no incriminating materials available from the FIR lodged by the father of the deceased and, therefore, custodial interrogation of the petitioner is not necessary.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the deceased has disclosed

the fact before his death over the complicity of the petitioner to the alleged offence.

Though a plea has been taken that there is no such material on the record that the boys have relationship with each other, which was not accepted by the father of the deceased, we do not think that it is a case where custodial interrogation of the petitioner is not necessary. Moreover, the case is at the nebulous stage.

As such, the prayer for anticipatory bail is **rejected**.

The application for anticipatory bail being **CRM 672 of 2021** is thus **dismissed**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)