

01.07.2021

Court No.28
Item No. JB-02
sandy/adas

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

(Via Video Conference)

CRM 681 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Malbazar Police Station Case No. 227 of 2021 dated 05.05.2021 under Section 306 of the Indian Penal Code;

and

In the matter of: **Surajit Ghosh**

.....Petitioner

Mr. Anindya Ghosh, Advocate

Mr. Sudip Guha, Advocate

.....for the Petitioner

Mr. Ujjwal Luksom, Advocate

Mr. Tapan Bhattacharya, 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 Malbazar Police Station Case No. 227 of 2021 dated 05.05.2021 under Section 306 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The instant application for anticipatory bail is filed by the petitioner on the premise that though he had a love relation with the deceased girl, but subsequently the same was broken amicably. After the break-up, the petitioner has no relation with the deceased girl and subsequently it transpired that she was in love relation with another co-accused.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that after such break-up, the petitioner was threatening the deceased girl to reveal the photographs, which may tarnish her reputation, prestige and chastity also.

According to the learned Advocate for the State, the aforesaid statement is corroborated by the statement of the relations of the deceased girl recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective counsels, we are of the view that if the allegations as levelled against the petitioner stand, the custodial interrogation of the petitioner is inevitable. We thus do not find the petitioner has been able to make out a strong prima facie case for immunity from arrest and avoidance to custodial interrogation.

The prayer for anticipatory bail is **rejected**.

The application for anticipatory bail being **CRM 681 of 2021** is thus **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)