

17.03.2022
Item no.125
Court No.32
Avijit Mitra

C.R.M. (A) No. 603 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kalna Police Station Case No.968 of 2021 dated 27.12.2021 under Sections 403/406/420/417/323/354/509/120B of the Indian Penal Code;

And

In Re : Nilay Bera @ Nilay Kumar Bera

.... petitioner

Mr. Koushik Chowdhury,
Ms. Busra Khatoon

....for the petitioner

Mr. S. S. Imam,
Mr. S. Kundu

..... for the State

Heard the learned lawyer for the petitioner. Perused the case diary.

Learned lawyer for the petitioner submitted that the present petitioner is merely an employee and he has no role to play in the alleged incident. He further submits that the parents of the petitioner have been granted bail. He cannot be blamed in the alleged incident and his custodial interrogation is not necessary. Accordingly, he prays for anticipatory bail.

Mr. Kundu, learned advocate appearing for the State submitted that there are strong incriminating materials against the present petitioner. Accordingly, he opposes the anticipatory bail.

On perusal the case diary and other materials as well as statement of the witnesses, particularly, the statement of the *de facto* complainant whose husband expired in the car accident, we find that there are incriminating materials against the

petitioner and we cannot rule out the necessity of custodial interrogation of the petitioner.

Accordingly, the application for anticipatory bail being C.R.M.(A) 603 of 2022 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)