

29.08.2022
Serial no. 08
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 4084 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Digha** Police Station Case No. **33** of **2022** dated **19.04.2022** under Sections **306/34** of the Indian Penal Code.

-And-

In the matter of : **Kamal Narayan Dubey**
... ..**Petitioner**

Mr. Dev Kumar Sharma, Advocate
... .. For the Petitioner

Mr. Goutam Wilson Advocate
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the principal accused was granted bail by the Sessions Court.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He refers to a picture in the case dairy.

In reference to the picture in the case diary, we called for a report from the Investigating Officer. The Investigating Officer is present in Court.

Report dated August 29, 2022 filed in Court be taken on record.

It appears from the report that the deceased is 5 ft. 5 inch. The distance from the floor to the ceiling fan of the room is 7 ft. 3 inch. The Court is informed that there is a bed in between which was about 2 ft. in height.

Therefore taking the height of the bed and the height of the deceased at 5 ft. 5 inch, we are of the view that further and appropriate investigations are required.

In such circumstances, it would be appropriate to direct the Central Investigating Department to investigate the present police case. The Deputy Inspector General of Police, Central Investigating Department is requested to entrust an appropriate Investigating Officer not below the rank of an Officer-in-Charge to investigate into the present police case.

In such circumstances, we are not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 4084 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)