

13.06.2023
Court No.01
Item No. 6.
Rejected

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

sg

CRM (A) 323 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No. 107 of 2023 dated 25.03.2023 under Sections 306 of the Indian Penal Code.

And

In Re: **Biswanath Modak**

Petitioner

Mr. Sourav Ganguly

Mr. Alok Sah

For the Petitioner

Mr. Abhijit Sarkar

Ms. Namrata Das

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and he had a romantic relationship with the deceased and he is no way involved with the commission of the alleged offence.

The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that the petitioner is avoiding investigation and there are several incriminating materials available in the records including the call record and the statement of the independent witnesses, which, prima facie, established the offence.

Considering the materials available in the case dairy and the statement of the independent witnesses and also having considering the post-mortem report and the complicity of the petitioner in the alleged commission of offence, we are not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 323 of 2023 is, thus, disposed of.

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

(Raja Basu Chowdhury, J)

(Soumen Sen, J)