

55      03.07.2023  
Court  
No.1      Tanmoy Ghosh

Rejected

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE**

**CRM (A) 437 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Bagdogra Police Station Case No. 131 of 2023** dated **22/03/2023** under Sections **406/420** of the Indian Penal Code, 1860.

And

In the matter of: - **Surash Rabi Das @ Suresh Rabi Das**  
...petitioner.

Mr. Hillol Saha Podder, Adv.,  
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Tapan Bhattacharjee,  
Mr. Chattu Roy, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State.

On a perusal of the entire material in the case diary and after hearing learned Advocate for the parties it appears to this Court that the petitioner before this Court is unable to explain as to how he dealt with the vehicle in question after entering into an agreement with the *de facto* complainant. Such being the position, it appears to us that such fact may have to be ascertained by way of custodial interrogation.

Accordingly, we are not inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure, 1973. The prayer for anticipatory bail is thus rejected.

Accordingly, the application for bail being CRM (A) 437 of 2023 is dismissed.

**(Arijit Banerjee, J.)**

**(Partha Sarathi Sen, J.)**