

07.07.2023

Item no.2

Court No.1.

AB

(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No. 465 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No.440 of 2022 Dated 1.12.2022 under Section 302/120B /201/34 of the Indian Penal Code

And

In the matter of : Nakul Modak

.....Petitioner.

Mr. Sudip Guha

Mr. Pronajit Roy for the Petitioner.

Mr. A. S. Chakraborty, Id. APP

Mr. Sourav Ganguly for the State.

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

It is contended on behalf of the petitioner that considering the fact that the investigation has already been completed and considering the fact that custodial interrogation of the present accused petitioner is not necessary, the present application for anticipatory bail may be considered favourably.

While opposing the prayer for anticipatory bail, learned Advocate for the State took us to different portions of the case diary. It has been shown that prior to the alleged incident of double murder, a serious quarrel took place between the deceased person and the charge sheeted accused persons. It has

also been shown to us that as per the statement of one of the accused persons, the weapon of offence was recovered.

In view of the aforesaid, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.

The prayer for anticipatory bail stands rejected.

CRM (A) No.465 of 2023 is dismissed.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)