

AD-16
Ct No.01
Jalpaiguri
14.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 699 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.08.2023 in connection with C.R. Case No. 5411 of 2021 arising out of Dhupguri Police Station Case No. 417 of 2021 dated 05.10.2021 under Sections 302/201/34 of the IPC, 1860, and charge sheet No.491 of 2021 dated 30.12.2021 submitted under section 302/201/34 of the IPC, 1860 pending before the court of Learned Chief Judicial Magistrate, Jalpaiguri.

And

In the matter of: SANTOSH KUMAR MANDAL

.... petitioner

Mr. Anirban Banerjee

... for the petitioner

Mr. Kallol Acharjee
Ms. Sukanya Adhikary

... for the State

1. Learned counsel for the petitioner submits that the petitioner was in no way involved in the alleged offence. That apart, a non-bailable warrant issued against the petitioner has been set aside previously.
2. Learned counsel appearing for the State points out that the petitioner has been absconding since the year 2021, when the charge-sheet was filed. That apart, by a previous order dated August 17, 2023, a learned single Judge of this Court had directed the petitioner to surrender before the Chief Judicial Magistrate within seven days, which was not done.

3. We find from the antecedents of the petitioner that the petitioner ought not to be permitted to have the benefit of anticipatory bail, particularly in view of the petitioner having not surrendered in terms of the order dated August 17, 2023.
4. Hence, CRM(A) 699 of 2023 is dismissed with liberty to the petitioner, however, to approach the appropriate Court for grant of regular bail.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)