

05.01.2024
SL No.11
Court No.1
(Srimanta)
(Dismissed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 2 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dhupguri Police Station Case No. 562 of 2023, dated 17.11.2023 under Sections 341/325/307/34 of the Indian Penal Code, 1860.

And

In the matter of : **Soumik Roy & Anr.**

- Petitioners.

Mr. Jaydeep Kanta Bhowmik,
Ms. Debi Sarkar,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar,
Mr. Shubham Kumar,
Ms. Jasmin Haque

... For the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

... For the State.

Heard Mr. Jaydeep Kanta Bhowmik, learned Counsel for the petitioners and Mr. Aditi Shankar Chakraborty, learned Counsel for the State.

The petitioner no. 1, Soumik Roy and petitioner no. 2, Bikash Roy both are accused of First Information Report No. 562/2023 dated 17.11.2023 under Sections 341/325/307/34 of the Indian Penal Code, adding Section 302 of the Indian Penal Code, P.S.- Dhupguri, District – Jalpaiguri. There are two other accused persons as per the aforesaid First Information Report, namely, Dilip Roy and Shyamal Roy.

On account of assault and the injury received, the deceased victim, Pritam Roy, aged about 29 years died. As per post mortem report the death was due to head injury ante mortem in nature.

None of the accused persons could be arrested so far as all are absconding. Learned Counsel for the State has produced before us copies of warrant of arrest all dated 27.12.2023 to submit that the present petitioners and other co-accused are absconding and as such the investigation could not be completed so far. He submitted that custodial interrogation of the accused persons is very necessary so as to complete the investigation in a proper and effective manner.

Considering the facts and circumstances of the case, the seriousness of the alleged offence and the stage of investigation, we do not find any good reason to enlarge the petitioners on bail. Consequently, the prayer for anticipatory bail is rejected. Petition is accordingly dismissed.

(Surya Prakash Kesarwani, J.)

(Ray Chattopadhyay, J.)