

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

07.03.2024

Court No.1
Item.130
(Srimanta)

CRM(A) 154 OF 2024

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Pundibari Police Station Case No. 727/2023 dated 14.10.2023 under Sections 365/326 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act adding Section 364/395/397 of the Indian Penal Code.

And

In the matter of: **Prince Prasad.**

. . .Petitioner.

Ms. Pratusha Dutta Chowdhury

... For the petitioner.

Mr. Nilay Chakraborty,
Mr. Sagnik Sankar Sikdar

...For the State.

1. Considering the fact that the petitioner has specifically been named in the 164 statement made to the Judicial Magistrate as well as the fact the allegations against the petitioner are serious in nature, we are not inclined to grant the prayer for anticipatory bail. We are informed that four of the co-accused have been enlarged on bail by the learned Sessions Judge, Cooch Behar. Whether the petitioner was on a similar footing

with other four co-accused may well be tested in the said learned Court.

2. The application for anticipatory bail being CRM (A) 154 of 2043 is accordingly rejected.
3. Our view is further strengthened by the fact that the charge-sheet is yet to be submitted and hence the petitioner's custodial interrogation may be required.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)