

22.04.2024
Court No.01
Item No. 179

Rejected

sg

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

CRM (A) 251 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 51 of 2024 dated 23.01.2024 under Sections 302/379/34 of IPC.

And

In Re: **Manoj Kumar Dey Sarkar @ Chhotu.**

Petitioner

Mr. Sudip Guha
Mr. Sandip Guha Roy
Mr. Ananda Paul

For the Petitioner

Mr. Sourav Ganguly
Ms. Sukanya Adhikary

For the State

1. We have heard the learned Counsel for the parties. It is submitted on behalf of the petitioner that the present accused petitioner is in no way involved in the alleged crime.
2. While opposing the prayer for anticipatory bail, the learned Counsel for the State has submitted before this Court that the present accused petitioner is the FIR named person and it is revealed that immediately before the homicidal death of the victim, the deceased was in the company and/or in the house of the petitioner.
3. From the materials as placed before this Court, we find that admittedly the death is homicidal in nature and there are materials to the effect that immediately prior to her death, the deceased was taken to the house of the present petitioner.

4. Considering the entire scenario, we cannot rule out the role of the present accused petitioner in the alleged crime and accordingly we are not inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure in favour of the petitioner.
5. Accordingly, the prayer for anticipatory bail of the petitioner is considered and rejected.
6. CRM(A) 251 of 2024 is, thus, dismissed.

(Soumen Sen, J)

(Partha Sarathi Sen, J)