

JPD-204
Ct No.01
29.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 475 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No. 153 of 2024 dated 23.04.2024 under Sections 448/376/511/323 IPC, 1860.

And

In the matter of: **Sri Ramesh Roy**

.... petitioner

Mr. Subhankar Dutta

... for the petitioner

Mr. Tapan Bhattacharjee
Mr. Dhiman sil

... for the State

1. The petitioner contends that the allegations against the petitioner are the outcome of land dispute between the families of the petitioner and the victim lady.
2. Learned counsel for the State controverts the prayer for anticipatory bail and submits that there is antecedent of the petitioner committing similar offence, for which he was arrested and subsequently granted bail, even after which similar offence has been repeated.
3. We find from the statement of the victim lady that despite there being property dispute between the families of the victim and the accused, the same itself does not entirely purge the possibility of commission of the offence-in-question by the petitioner.
4. That apart, in view of the fact that the petitioner was previously arrested for similar offences and subsequently enlarged on bail,

we are not confident enough to grant anticipatory bail to the petitioner at this stage.

5. Hence, in the light of the above observations, we are not inclined to grant anticipatory bail.
6. Accordingly, CRM (A) 475 of 2024 is dismissed with liberty to the petitioner to surrender before the trial court and pray for regular bail.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)