

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

27.11.2024
Item No.59
Court No.1
(GB)
(Rejected)

CRM (A) 856 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Rajganj Police Station Case No.289 of 2024 dated 11.08.2024 under Sections 115(2)/74/103/(1)/3(5) of the B.N.S.S., 2023 .

And

In the matter of: **Manirul Islam**

....Petitioner.

Mr. Deep Chaim Kabir,
Mr. Debasish Mukhopadhyay,
Ms. Madhushri Dutta

...for the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State.

Mr. Anirban Banerjee,
Ms. Rishita Chakraborty

... for the De facto complainant.

1. Learned advocate for the petitioner submits that over an issue of ownership of a land, there was scuffle between two groups. This resulted in the unfortunate death of the victim, who fell into a drain and hurt his head. He submits that this cannot be stated to be an offence of murder. At best, it could be an offence of culpable homicide not amounting to murder. He further submits that the de facto complaint was also involved in the fight. He submits that custodial interrogation of the petitioner is not required in the present case, as the charge-sheet has been submitted. Sending the accused person to custody would not serve any purpose. He submits that the benefit of pre-arrest bail be extended to the petitioner.
2. Learned advocate for the de facto complainant submits that the accused is absconding, but from his hideout, he is threatening the de facto

complainant and pressurizing for settlement of the issue. Another complaint was filed before the police.

3. Learned advocate for the State produces the case diary and vehemently opposes the prayer for anticipatory bail. He submits that the materials available in the case diary support the prosecution case.
4. Heard the learned advocates for the respective parties. Perused the case diary and other materials including the statement of the witnesses recorded under Section 183 as well as Section 180 of the B.N.S.S., 2023 and the postmortem report. On such perusal and having regard to the rival submissions made on behalf of the petitioner, we are of the view that if the benefit of pre-arrest bail is granted to the petitioner at this stage, a wrong signal will be sent to the society. At this stage, we are not in a position to hold that custodial interrogation of the present petitioner is not required, the possibility of filing of a supplementary charge-sheet cannot be ruled out.
5. Considering these aspects, the application for anticipatory bail being CRM (A) 856 of 2024 is accordingly dismissed.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)