

27.11.2024
SI No.65
srm/Mujahid
(Reject)

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

CRM(A) 879 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **07.11.2024** in connection with **Mathabhanga** Police Station Case No. **462/2024** dated **25.06.2024** under Sections **363/365/109** of the Indian Penal Code and with added Section **306** of the Indian Penal Code.

And

In the matter of : **Akash Talukdar**

... Petitioner.

Ms. Suman Sehanabis,
Ms. Anwesha Chakraborty

... for the petitioner.

Mr. Abijit Sarkar,
Mr. Tapan Bhattacharjee

... for the State.

Learned Advocate representing the petitioner submits that the accused person is a boy of 16 years, whereas the victim girl just attained the age of 15 years and they were merely friends. There was no emotional relationship. The accused person is the next door neighbour. She submits that following a hot altercation in between the victim and her father, the victim left her house and unfortunately her body was found in a pond. She submits that the petitioner is not in any way involved in the alleged offence. If the petitioner is taken into custody, it would be a miscarriage of justice.

Learned Public Prosecutor vehemently opposes the prayer for bail. He submits that although the entire incident is suspicious and the real cause behind such death has to be

unearthed, the custodial interrogation of the petitioner is required.

Heard the learned Advocate representing the respective parties. Perused the materials on record including the case diary and post mortem report. The post mortem report suggests that the death was caused due to drowning. However, there is no indication regarding the mode and manner in which the offence was allegedly occurred. To unearth the truth, a thorough investigation of the alleged incident is required. At this stage, we are not in a position to hold that custodial interrogation of the present petitioner against whom the main allegation is directed, is not necessary.

Accordingly, the prayer for pre-arrest bail is turned down.

CRM (A) 879 of 2024 is, thus, disposed of.

All parties shall act on the basis of the server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)