

01.05.2025

Item No.DL31
Court No. 28
Asraf, AR(Ct.)

REJECTED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1400 of 2025

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station case no.796 of 2021 dated 02.08.2021 under Sections 363, 365, 364(A) and 120B read with Section 34 of the Indian Penal Code, 1860.

-and-

In Re : **1. ALAUDDIN SK @ JAFRUALLA SK**

2. AKTAR SK @ KALU SK

.....Petitioners

For the Petitioners :

Mr. Arup Kumar Bhowmick

.....Advocate

For the State :

Ms. Subhasree Patel

Ms. Puja Goswami

.....Advocates

Learned counsel appearing on behalf of the petitioners submits that the petitioners have been implicated in this case with the help of statement of a co-accused which is not admissible in evidence.

Learned counsel appearing on behalf of the State submits as follows. The FIR is of 2021. There is not just a statement of a co-accused implicating the petitioners but the victim has also stated that there were others involved. Incidentally, only the owner of the house where the victim was kept confined could be arrested. Unless the petitioners are

apprehended and placed on T.I. Parade, the victim would not be able to identify them. Therefore, this is not a case where the arraignment is only on the basis of statement of a co-accused.

In view of the incriminating materials available in the case diary, I am not inclined to grant anticipatory bail to the petitioners.

Accordingly, the application for anticipatory bail being **CRM(A) 1400 of 2025 is rejected.**

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)