

23.07.2025
Ct. No.25

Sl. No.22
Mujahid
(Reject)

CRM (A) 2106 of 2025

In Re: An application for anticipatory bail under Section 482 of the B.N.S.S. filed on **18.06.2025** in connection with **Tehatta** P.S. Case No. **588 of 2024** dated **09.08.2024** under Sections **85/80/103(1)/3(5)** of BNS, 2023.

And

In the matter of : **Samir Das**

... Petitioner.

Mr. Soumojit Das Mahapatra,
Mr. Abdul Aziz Mondal

... for the petitioner

Mr. Ashok Das,
Ms. Hasi Jana

...for the de facto complainant

Mr. Binoy Kr. Panda,
Mr. Abhinaba Mukherjee

... for the State

1. Learned counsel for the petitioner has invoked the jurisdiction of this court for pre-arrest bail predominantly on the ground that petitioner was not even in India from the period of 22nd March, 2024 to 14th June, 2025. Learned counsel submits that unfortunate incident had taken place on 9th August, 2025. Learned counsel submits that co-accused who are present on the spot have already been admitted to pre-arrest bail by the Division Bench of this Court in CRM (A) 2985 of 2024 by an order dated 29th August, 2024. Learned counsel for the petitioner has placed reliance on a decision passed by the Hon'ble Division Bench of this Court in CRM 12349 of 2017, Navin Biswas vs. State of West Bengal.

2. Learned counsel for the State has opposed the bail application. Learned counsel submits that death took place within five years of marriage. Learned counsel submits that even a person sitting abroad may cause mental torture. Learned counsel submits that custodial interrogation in the present case is necessary.

3. It is a matter of record that charge-sheet has been filed under Section 304B IPC without arrest of the petitioner. The arrest could not take place as the petitioner was not available. The petitioner is the husband of the deceased, therefore, his case stands on different footing. Though along the supplementary affidavit, learned counsel has placed on record, photo copy of Passport which shows departure of the petitioner on 22nd March, 2024 from Mumbai and arrival on 14th June, 2025 at Calcutta. However, it is a matter of investigation the petitioner remained abroad for entire period. Certainly there is a substance in the submission of the learned counsel for the State that even a person sitting abroad can cause mental torture. An innocent life has been lost the court considers that in such case certainly requires custodial interrogation.

4. Taking into account the facts and circumstances, the court considers that it is not a fit case for grant of pre-arrest bail, hence **rejected**.

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

(Dinesh Kumar Sharma, J.)