

30.04.2025
(D/L 1)
Ct. No.1
(Naba)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRM (A) 256 of 2025**

In Re:- An application for anticipatory bail under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhaktinagar P.S. Case No. 1245 of 2014** dated **02.09.2014** under Sections 326A/307/34 of the IPC.

And

In the matter of : **Swapan Das @ Tuntun Das**

... Petitioner

Mr. Debajit Kundu

... for the Petitioner

Mr. Kallol Acharjee,
Mr. Dhiman Sil

... for the State

1. A translated copy of the F.I.R. has been handed over to the Court, after due service upon the learned State counsel.
2. Heard the learned counsel for the petitioner and the learned State counsel.
3. As per allegation, the husband of the complainant has been assaulted by five persons including the petitioner.
4. The learned counsel for the petitioner submits that petitioner is not the principal accused. Upon going through the F.I.R., there is no scope for such a submission as allegation has been labelled against all

the accused persons of assaulting the informant's husband together. The learned counsel further submits that other co-accused persons have been granted bail in CRM 8664 of 2018, CRM 8241 of 2018 and CRM 14357 of 2014. He further submits that charge-sheet has been submitted.

5. The learned State counsel on the other hand submits that the other co-accused persons were enlarged on bail after spending sometime in judicial custody. From the allegations in the F.I.R., no distinction can be drawn between the other co-accused persons who were allowed bail and the present petitioner so as to entitle him to privilege of anticipatory bail. He further submits that the offences alleged relate to the year 2014 and till now the petitioner has not participated in the trial.
6. Considering the rival submissions, the fact that there is no distinction as regards petitioner's participation in the occurrence, with that of the other co-accused persons, the inordinate delay in approaching this Court as also the material in the course of investigation including the medical examination of the victim at the North Bengal Medical College Hospital, this Court does not find any scope for giving the petitioner privilege of the anticipatory bail.

7. Accordingly, the prayer for the anticipatory bail is rejected.
8. The application being **CRM (A) 256 of 2025** is dismissed.

(Madhuresh Prasad, J.)