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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (A) 411 of 2025

In Re : An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NJP Police Station Case No. 583 of 24 dated 15/6/24 under Sections 302/120B/379/323/324/325/307/34 of the Indian Penal Code.

And

In Re : **Rinku Roy @ Pinku Roy**

Mr. Subrata Karmakar
Ms. Madhumita Sarkar
Ms. Rinka Chakraborty

... for the petitioner.

Mr. Kallol Acharjee
Mr. Dhiman Sil

... for the State.

Heard learned counsels for the parties.

At the outset, it is submitted on behalf of the petitioner that the petitioner has been declared a proclaimed offender. Learned counsel has placed reliance on a judgment of the Hon'ble Supreme Court in Criminal Appeal no. 4564/2024 dated 12th November, 2024 wherein the Hon'ble Supreme Court has observed that mere declaration under Section 82 of the Code of Criminal Procedure is not a total embargo in considering the application for anticipatory bail. The circumstances of the case, nature of the offence and the background based on

which such declaration was issued need to be looked into. In the present case, though the Chief Judicial Magistrate, Jalpaiguri has recorded in the order dated 21st September, 2024 that non execution report is produced it is not clear as to in respect of which accused such report was produced. It can be inferred that it was not in respect of the present petitioner since by order dated 4th October, 2024 the learned Magistrate has recorded that no E/R of W/A was received in respect of the petitioner and also that there was no likelihood of such warrant of arrest being executed soon. Under such circumstance, warrant of proclamation was issued against the petitioner.

It is needless to state that the warrant of proclamation could not have been issued by the learned Magistrate in terms of Section 82 of the Code of Criminal Procedure without recording his satisfaction with regard to non execution of the warrant of arrest upon receipt of non execution report. Such observation not having been made, prayer for anticipatory bail is taken up on merits.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

Though the petitioner is named in the FIR, none of the witnesses to the alleged incident has named the petitioner. No recovery of incriminating material has been made from her. Charge sheet has been submitted.

Considering the material on record and extent of complicity of the petitioner in the alleged offence, this Court is inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner namely Rinku Roy @ Pinku Roy be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand), with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 482(2) of the BNSS. The petitioner shall appear before the jurisdictional Court and pray for regular bail within two weeks from date.

The application for anticipatory bail is thus disposed of.

Case diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)