

18.11.2025
Item no.7(DL)
Court No.3
srm
(Partly Allowed)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 715 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 in connection with Dhupguri P.S. Case No.227 of 2025 dated 19.06.2025 under Sections 329(4)/103(2)/238/351(3) of the Bharatiya Nyaya Sanhita, 2023, pending before the learned Chief Judicial Magistrate, Jalpaiguri.

In the matter of : **Krishna Roy & Anr.**

... Petitioners.

Mr. Debasish Mukhopadhyay,
Ms. Srishti Sarkar,
Ms. Payel Chanda

...for the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly

...for the State.

1. Learned Advocate for the petitioners submits that there are no such specific allegations against these petitioners who happen to be the relatives of the deceased. Petitioner No.1 is suffering from prolonged kidney ailment and petitioner No.2 is an aged woman. Further the principal accused, namely, Gopal Roy and Ramanath Roy have been granted bail by the learned Sessions Judge, Jalpaiguri. She seeks for anticipatory in favour of the petitioners.

2. Opposing such prayer for anticipatory bail, learned advocate for the State submits that there are allegations against petitioner No.1 of assaulting the victim which ultimately resulted in his death. The petitioners purposely cremated the dead body of the deceased without informing the authorities concerned in order to destroy the evidence of crime. Due to such reason, proper *post mortem* could not be held to ascertain the actual cause of death of the deceased. Investigating agency collected 51 burnt pieces of human bones of irregular shape and size for causing *post mortem*. He seeks for dismissal of the anticipatory bail application.
3. Perused the case diary and the materials on record.
4. As per statement of the witnesses, the deceased on the date of incident returned to the house in intoxicated condition. There are allegations against the petitioner No.1 along with others of assaulting the victim which resulted in the death of the deceased. The dead body was cremated without informing the authorities and *post mortem* has been held on burnt pieces of bones. Such being the position, I am not inclined to grant anticipatory bail to petitioner No.1, namely Krishna Roy. Accordingly, the prayer of petitioner No.1 for anticipatory bail is rejected.
5. So far as petitioner No. 2 is concerned, there are no such specific allegations against her and hence, I am inclined to

extend the benefit of anticipatory bail in favour of petitioner No.2.

6. Accordingly, in the event of arrest the petitioner No.2, namely **Kamala Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner No.2 is directed to co-operate with the Investigating Officer.
7. The application for anticipatory bail is, thus, allowed in part.
8. The application being **CRM (A) 715 of 2025** stands disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)