

25.11.2025
Item no.48
Court No.3
ss
(Rejected)

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

CRM (A) 812 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with Pundibari P.S. Case No.466 of 2025 dated 22.05.2025 under Section 105/3(5) of the Bharatiya Nyaya Sanhita corresponding to G.r. Case No.944 of 2025 presently pending before the learned Chief Judicial Magistrate, Coochbehar.

In the matter of : Sanjay Das @ Jay Kumar Das & anr.
... Petitioners.

Mr. Swarup Das

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP (virtual mode)
Mr. Airuddha Biswas

.....for the State.

1. Learned Advocate for the petitioners submit that there are no direct allegations against these petitioners in their involvement in the alleged offence. The co-accused persons have already been granted bail by the learned Sessions Judge, Coochbehar. There is unexplained delay of 37 days in lodgement of FIR. He seeks for grant of anticipatory bail in favour of the petitioners.
2. Learned Advocate for the State, opposing such prayer for anticipatory bail, submits that the deceased left with these petitioners and two others. Subsequent thereto, the victim

was found lying in a critical condition at a place 200 mtrs. away from the house of the petitioners. The victim, thereafter, succumbed to his injuries and died. Postmortem report reveals that there are sufficient injuries on the person of the victim. The investigation is still in progress. Custodial interrogation is very much necessary to unearth the truth. He seeks for dismissal of the application for anticipatory bail of the petitioners.

3. Perused the case diary and the materials on record.
4. The statements of the witnesses recorded under Section 161 Cr.P.C. show that the victim left with the petitioners and two others and later was found lying in indisposed condition about 200 mtrs. away from the house of the petitioners. The postmortem report shows that the death was due to intra cerebral injury within left cortex of brain sufficient to cause unconsciousness with subsequent death, which is *ante mortem*. The investigation is in progress. Considering the materials as above and the nature and gravity of the offence, I am not inclined to grant anticipatory bail in favour of the petitioners.
5. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.
6. The application being **CRM (A) 812 of 2025** stands dismissed.

(Bivas Pattanayak, J.)