

10.06.2026
Sl. No.64
NB

CRM (A) 1417 of 2026

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 Durgapur PS Case No.184/1993 dated 04.07.1993 under Sections 147/148/149/323/324/304 of the Indian Penal Code & under Section 9(b)(ii) of Indian Explosive Act.

And

In the matter of: Subrata Dey @ Fuchi ... petitioner

Mr. Shambhu Choudhary,
Mr. Saswata Chatterjee.
...for the petitioner.

Mr. Krishnendu Bhattacharya,
Mr. Utsab Dutta.
....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. No summons or warrant had been issued against the present petitioner. Therefore, he had no reason to approach the Court for surrender or otherwise.

Learned Additional Public Prosecutor representing the State strongly opposes the prayer for anticipatory bail. He submits that this is a 33 year old murder case and the proceeding has remained stalled due to the abscondance of the petitioner for 33 years. There is no proper explanation provided as to why the petitioner did not submit to the jurisdiction of the Court for such a long period. Charge sheet was submitted long back. The statements of witnesses recorded before the learned Magistrate and the postmortem report clearly substantiate the prosecution case. Moreover, warrants, proclamation

and attachment have been issued against the petitioner and other absconding accused.

Considering the above, the other incriminating materials available in the case diary, the fact that warrant, proclamation and attachment have been issued against the present petitioner and the fact that the petitioner has remained absconding for the last 33 years, I do not consider this to be a fit case for granting anticipatory bail to the present petitioner.

The application for anticipatory bail of the petitioner is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)