

20.04.2026
Item no.03.
Court No.05.
KAUSHIK

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 1004 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Alipurduar Police Station Case No.204 of 2025 dated 07.06.2025 under Sections 137(2)/140(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Sri Mahesh Ray.

.....Petitioner.

Mr. Amales Roy
Mr. Nigam Mittal
.....for the Petitioner.

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil
.....for the State.

Mr. Roy, learned Senior Advocate appearing for the petitioner, submits that the petitioner, a labour contractor, is in no way connected with the alleged offence. He contends that even a plain reading of the First Information Report (for short, the FIR) does not disclose any involvement of the petitioner in the alleged incident.

It is stated that, as per the FIR, the victim had alighted at Gorakhpur Railway Station along with all the accused persons except accused No. 6, and thereafter went missing. However, the Investigating Agency has failed to produce any cogent material to demonstrate that the petitioner had any role in the said incident. He also submits that, pursuant to a direction of a Coordinate Bench, the police authorities visited Gorakhpur Railway Station and carried out an investigation, but

no incriminating material could be collected against the present petitioner. In view of the above, it is submitted that it would be unjust to compel the petitioner to languish in judicial custody

In rebuttal, the learned Additional Public Prosecutor vehemently opposes the said contention on the basis of the materials available in the case diary. He submits that the statements of witnesses, including those of co-accused persons recorded during the course of investigation, disclose the involvement of the petitioner. He further submits that the victim has not yet been recovered. In such circumstances, it would not be appropriate to grant pre-arrest bail to the present petitioner.

Heard the learned advocates appearing for the respective parties and perused the materials on record including the case diary.

The prosecution case is that the petitioner, a labour contractor, took the victim along with other labourers to Punjab for certain work. It is alleged that while they were returning home, the victim alighted at Gorakhpur Railway Station along with the present petitioner and some other accused persons, and thereafter went missing. The victim has not yet been recovered. In such circumstances, it would not be appropriate to conclude, at this stage, that custodial interrogation of the petitioner is not necessary for unearthing the truth.

In view of the above, the prayer for anticipatory bail cannot be entertained at this stage.

Accordingly, the application being CRM (A) 1004 of 2025 seeking the petitioner's pre-arrest bail is **dismissed**.

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

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

(Partha Sarathi Chatterjee, J.)