

09.01.2026

Item No.19  
Ct.No.3  
dc.

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**C.R.M. (A) 1004 of 2025**

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 438 of the Code of Criminal Procedure, 1973 filed 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 Re : **Sri Mahesh Ray**

... Petitioner.

Mr. Amales Ray,  
Mr. Nigam Mittal

... For the Petitioner.

Mr. Tapan Bhattacharjee,  
Mr. Dhiman Sil

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is a labour contractor who is being foisted with a criminal case at the behest of the wife of one of the labours.

Learned advocate appearing for the State has produced the case diary.

I have perused and considered the materials on record and I find that till date, the last place, where the victim was seen, has still not been taken as a part of the investigation. The Investigating Officer would take steps, if recovery is to be made or an opinion is to be arrived at Gorakhpur, Uttar Pradesh. Having considered that there were other

labours/migrant workers also who were returning and even after their custody there is no reflection of any improvement of the case and the stage of the investigation is such that either way facts may emerge if the police authorities investigate or coordinate with the authorities at Gorakhpur, I direct that for the time being the petitioner viz. Mahesh Ray should not be arrested till 15<sup>th</sup> February, 2026.

The petitioner shall meet with the Investigating Officer thrice in a week till 15<sup>th</sup> February, 2026.

The Investigating Officer of the case would take steps for coordination, communication or visiting at Gorakhpur, the last place where the victim was seen and submit a progress report before this Court on the next date fixed for hearing.

The Investigating Officer would be at liberty to amend and/or add Sections, if in course of investigation further material transpires.

The Investigating Officer of the case is present in Court. He will appear with the progress report on the next date so fixed.

List the application for anticipatory bail before the next available Circuit Bench on the date of its commencement.

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

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

**(Tirthankar Ghosh, J.)**