

29.09.2021  
Court No.01  
Item No. 14  
Bail Rejected  
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

**(Via Video Conference)**

**C.R.M. 442 of 2021**

In re: An application under Section 439 of the Code of Criminal  
Procedure filed on 23.03.2021 ;

And

In re: **Nepal Barai @ Barui**

....Petitioner

Mr. Arnab Saha

... For the Petitioner

Mr. Arun Kumar Sarkar

Mr. Abhijit Sarkar

Mr. Saikat Chatterjee

... For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jalpaiguri Women P.S. Case No. 141 of 2019 dated 06.11.2019 under sections 498A/302/34 of the Indian Penal Code, 1860.

Mr. Saha, learned advocate appearing for the petitioner, submits that the petitioner married the victim lady in the year 2016. From the said wedlock, a female child was born. The petitioner's wife committed suicide about three years after such marriage. The Petitioner had been falsely implicated and there are no incriminating materials against him warranting prolonged detention. He has already suffered incarceration since the year 2019 and there is also no possibility towards early conclusion of the trial. In the said conspectus, further detention of the petitioner is not necessary.

Mr. Sarkar, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several

documents in the case diary, including the statement of the victim's sister, as recorded under section 164 of the Code of Criminal Procedure.

He further submits that while the victim was being taken to the hospital, her statement was recorded in a mobile phone. The said mobile phone along with the sim card had already been seized, as would be explicit from the seizure list.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused at this stage.

The application for bail, being C.R.M. 442 of 2021, is dismissed accordingly.

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

**(Abhijit Gangopadhyay, J.)    (Tapabrata Chakraborty, J.)**