

20.09.2021

Court No.01
rpan /21

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

C.R.M. 494 of 2021

In Re : **Suman Sarkar**
....Petitioner.

Mr. Debajit Kundu
... for the petitioner.
Mr. Aditi Shandar Chakraborty, Ld. APP,
Mr. Biswarup Roy
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bhaktinagar Police Station Case No.1063 of 2020 dated 08.12.2020 under Sections 498A/307/302 of the Indian Penal Code.

Mr. Kundu, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are unfounded. Upon completion of investigation, charge-sheet has been submitted and the petitioner has already been suffered long incarceration for 300 days. In view thereof, further custodial detention of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the seizure list and the dying declaration.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the dying

declaration 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. As such, his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM 494 of 2021, is dismissed.

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.)