

CRM (DB) 24 of 2022
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sukalyan Pradhan & Anr.

.....Petitioners

Ms. Papiya Chattopadhyay

.....for the Petitioners

Mr. Partha Pratim Das

Ms. Manasi Roy

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Sandeshkhali P.S. Case No. 147/2021 dated 09.09.2021 under Sections 448/326/307/302/34 of the Indian Penal Code.

Ms. Chattopadhyay, learned advocate appearing for the petitioners submits that the alleged incident occurred in the parental house of the petitioner's wife. There was a matrimonial dispute between the petitioner no. 2 and his wife. The petitioners have been falsely implicated. The incident occurred on 4th September, 2021 whereas the complaint was lodged about five days thereafter. There is no explanation about the delay. No specific overt act has been attributed to the petitioners. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioners, who are in custody for about 157 days, may not be necessary and they may be enlarged on bail on any stringent condition.

Mr. Das, learned advocate appearing for the State opposes the petitioners' prayer and submits that the victim succumbed to the injuries which were effected. There are materials on record which clearly reveal the direct involvement of the petitioners. There had been recovery of the offending weapons from two co-accused persons and in the said conspectus, the petitioners are not entitled to the relief, as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there are strong incriminating materials on record against the petitioners. Considering the gravity of the offence, the manner in which the offence has taken place and the extent of complicity of the petitioners, we are not inclined to exercise any discretion in their favour. As such, the petitioners' prayer for bail is refused at this stage.

The application CRM (DB) 24 of 2022 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)