

18.02.2022
Item No.35
Court No.32
ss

C.R.M. (DB) 74 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Sudip Karmakar

... Petitioner.

Mr. Kanai Lal Dutta

... for the Petitioner.

Mr. Tanmay Kr. Ghosh
Mr. Arindam Sen

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kotwali P.S. Case No. 932 of 2020 dated 03.12.2020 under Sections 498A, 304B/34 of the Indian Penal Code.

Learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Allegations levelled against the petitioner are unfounded. The wife being the victim committed suicide. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioner, who is in custody for about 361 days, is not necessary and he may be enlarged on bail.

Learned Advocate appearing on behalf of the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Sections 161 and 164 of the Cr.P.C.

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

Prima facie, there are strong incriminating materials against the petitioner. Considering the seriousness of the offence, the nature of accusations and the possible extent of his complicity in the alleged offence, we are not inclined to exercise discretion in his favour and as such his prayer for bail is refused at this stage, more so when we do not find any change in the circumstances of the case subsequent to the rejection of his earlier prayer for bail on 9th December, 2021.

With the aforesaid observations, the application for bail, being CRM (DB) 74 of 2022, is 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.)