

21.02.2022

Court No.32
rpan /15

CRM (DB) 85 of 2022

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

And

In Re : **Arun Patra**

- Petitioner

Mr. Chittapriya Ghosh,
Mr. Samir Kumar Adhikari,
Ms. Priyanka Saha
... for the Petitioner.

Mr. Neguive Ahmed,
Ms. Trina Mitra
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sarenga Police Station Case No. 33 of 2021 dated 03.07.2021 under Sections 498A/304B/302 of the Indian Penal Code.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about ten months after his marriage with the victim. He is languishing in custody for more than 233 days and there is also no possibility towards conclusion of the trial in the near future. As such, he may be enlarged on bail on any stringent condition.

Ms. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements

of the witnesses, the post-mortem report as well as the seizure list.

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 against the petitioner. Considering the seriousness of the offence and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

However, we have been informed by Ms. Mitra that date has been fixed for consideration of the charges. In view thereof, the learned court below is directed to consider the charges on the date as fixed without granting any unnecessary adjournment to either of the parties. If the charges are framed, the learned court below shall conduct the trial expeditiously so that the same may be concluded as early as possible.

With the above observations, the application for bail, being CRM (DB) 85 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.)