

07.03.2022
Court No.32
Item No. 32
Avijit Mitra

C.R.M. (DB) No.284 of 2022

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

And

In Re : Alomgir Sk. @ Alongir Sk. @ Alangir Sk.

Petitioner

Mr. Manas Kumar Das

For the petitioner

Mr. S.G. Mukherjee, Ld. P.P.,

Mr. Partha Pratim Das,

Ms. Manasi Roy

For the State

Ms. Minoti Gomes

For the *de facto* complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Burwan Police Station Case No. 167 of 2021 dated 20.06.2021 under sections 498A/304B/302 of the Indian Penal Code.

Mr. Manas Kumar Das, learned advocate appearing for the petitioner submits that the complaint was belatedly lodged about 3 months after the alleged incident. The petitioner has been falsely implicated in the said incident about 5 years after his matrimonial life with the victim. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 232 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Partha Pratim Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list, the statement of the witnesses as well as the *post-mortem* report which was conducted after exhuming the body. He further submits that the petitioner was last seen with the victim and the victim's mobile phone was also recovered from the petitioner's custody which indicates the direct involvement of the petitioner in the alleged offence.

Ms. Gomes, learned advocate enters appearance on behalf of the *de facto* complainant and opposes the petitioner's prayer. She submits that the victim's family members are being constantly threatened and to that effect, several complaints have been lodged.

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

It appears that the petitioner was last seen with the victim and the mobile phone registered in the name of the victim was recovered from the petitioner's possession. Considering the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour and as such his prayer for bail is refused, at this stage.

Accordingly, the application for bail, being CRM (DB) No.284 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)

