

CRM (DB) 364 of 2022
(via video conference)

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

And

In Re : Nikunj Barman @ Nikunja Barman

.....Petitioner

**Mr. Kaushik Choudhury,
Ms. Busra Khatun**

.....for the Petitioner

**Mr. P.K. Datta, Ld. APP
Mr. Santanu Deb 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 Balurghat P.S. Case No. 187/2021 dated 07.04.2021 under Sections 304/34 of the Indian Penal Code.

Mr. Choudhury, learned advocate appearing for the petitioner submits that no specific overt act had been attributed to the petitioner. The complaint had been registered about 45 days after the alleged incident without explaining the delay. Upon completion of the investigation charge sheet has already been submitted and as such further detention of the petitioner, who is in custody for about 190 days, may not be necessary and he may be enlarged on bail of any stringent condition.

Mr. Deb Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the victim expired about one month after the alleged incident. Drawing our attention to the statements of the witnesses, as recorded under

Section 161 of the Code, he submits that the petitioner is directly involved in the alleged offence.

Heard learned advocates appearing for the respective parties.

Prima facie, we find strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, the nature of injuries, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused at this stage.

The application CRM (DB) 364 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.)