

80 05.04.2022
(AD) Court No.29
(Rejected)

C.R.M. 8759 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **G.R. Case No.2939 of 2019** arising out of **Chanchal P.S. Case No.1078 of 2019** dated **13.12.2019** under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: Subrata Baisyamali

....petitioner.

Mr. Ayan Bhattacharjee
Mr. Subrata Saha
Mr. Somdev Ash

...for the petitioner.

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... for the State.

Mr. Sujit Gupta
Ms. Amita Gaur

... for the de facto complainant.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. There was an inter-religious marriage. By reason of which, the false implication of the petitioner arises. He submits that there is hardly any incriminating material against the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure. He submits that the personal effects of the victim were seized on the leading statement made by the

petitioner.

De facto complainant is represented.

Considering the gravity of the offence and the involvement of the petitioner therein as *prima facie* transpiring from the materials in the case diary and considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. 8759 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)