

11.02.2022

Court No.32
rpan /20

CRM 8949 of 2021

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

And

In Re : **Swapan Routh**

- Petitioner

Ms. Subhasree Patel,
Mr. Shoham Banerjee,
Ms. Saini Das
... for the Petitioner.

Ms. Faria Hossain,
Mr. Aniket 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 Patharpratima Police Station Case No. 133 of 2019 dated 04.06.2019 under Sections 498A/302/34 of the Indian Penal Code [Charge-sheet no.185 of 2019 dated 30.08.2019 under Sections 498A/302 of the Indian Penal Code, 1860].

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred after 17 years of his marriage with the victim lady. The entire case is based on circumstantial evidence and the petitioner has already suffered incarceration for about two and a half years and the charges have also not been framed. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

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

of the witnesses as recorded under Sections 161 and 164 of the Code as well as the post-mortem report.

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

Prima facie, we find strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, the manner in which the offence has been taken place, 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. As such, his prayer for bail is refused at this stage.

Mr. Banerjee, however, expressed his anguish and inconvenience as regards the delay which has occurred.

Taking note of such issue, we direct the learned court below to consider the charges on the next date, without granting any unnecessary adjournments to either of the parties. In the event, charges are framed, the learned court below should take expeditious steps towards conclusion of the trial.

With the above observations, the application for bail, being CRM 8949 of 2021, is disposed of.

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.)