

16.09.2022
Sl. No.18
akd
[Rejected]

C. R. M. (DB) 3130 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.09.2022 in connection with Bhimpur Police Station Case No. 97 of 2021 dated 11.04.2021 under Sections 498A/326/307/302/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

And

In Re: ***Mukti Sarkar***

... .. Petitioner

Mrs. Karabi Roy

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 522 days. It is further submitted there are conflicting dying declarations recorded in the medical papers.

Learned advocate appearing for the State opposes the prayer for bail and submits victim made a dying declaration before the doctor implicating the petitioner.

We have considered the materials on record. Dying declaration implicating the petitioner was made before the doctor. Prima facie, the aforesaid dying declaration carries more weight than notings in the medical records at the time of admission. In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Trial court is directed to expedite the trial and conclude the same at an early date preferably within one year from the next date

fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)