

17.02.2022
Court No.32
JP Item No. 02
Avijit Mitra

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
Through Video Conference**

C.R.M. (DB) No. 31 of 2022

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

And

In Re : Ismail Pramanik

Ms. Jeenia Rudra

Petitioner

For the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Tapan Bhattacharjee

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jalpaiguri Women Police Station Case No.137 of 2020 dated 17.12.2020 under sections 498/302/34 of the Indian Penal Code read with sections 3/4 of the Dowry Prohibition Act.

Ms. Rudra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about 28 years after the marriage. The petitioner tried to rescue the victim and in the process he also suffered burn injuries. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 1 year 1 month, may not be necessary.

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

statement of the petitioner's son as recorded under Sections 161 and 164 of the Code as well as the injury report.

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

Prima facie, there are strong incriminating materials against the petitioner. Considering 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 more so when, we do not find any substantial change in the facts and circumstances of this case subsequent to rejection of the petitioner's earlier prayer for bail on 1st December, 2021.

The application for bail, being CRM (DB) No.31 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)