

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

06.05.2022

Item no.27
Court No.01
Avijit Mitra

CRM (DB) 130 of 2022

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

And

In Re : Subrata Sarkar

.... petitioner

Mr. Debajit Kundu

....for the petitioner

Mr. Ujjwal Luksom,

Mr. Saikat Chatterjee

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Jalpaiguri Kotwali Police Station Case No.597 of 2021 dated 10.11.2021 under Sections 448/324/325/307/34 of the Indian Penal Code.

Mr. Kundu, learned advocate appearing for the petitioner submits that there was a previous dispute between the parties and there exists a case and counter case. He has been falsely implicated. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody since 10th November, 2021 may not be necessary and he may be enlarged on bail on any stringent condition.

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

statement of the witnesses, the injury report and other materials in the case diary.

He further submits that the petitioner had criminal antecedent and in view thereof, he is not entitled to the relief as prayed for.

Heard the learned advocate 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 gravity of the offence, its ramifications, the conduct of the petitioner and his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour and his prayer for bail is refused, at this stage.

The learned Court below is however requested to expedite framing of charges and trial without granting unnecessary adjournments to either of the parties.

The application for bail CRM (DB) 130 of 2022 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)

