

AD-13
Ct No.01
Jalpaiguri
09.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 74 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2023 in connection with Bhaktinagar Police Station Case No. 1063 of 2020 dated 08.12.2020 under Sections 498A/307/302 of the IPC, 1860.

And

In the matter of: Suman Sarkar

.... petitioner

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

... for the State

Learned counsel for the petitioner contends that the petitioner is already in custody for 793 days. It is further submitted that the case has not yet been committed for trial since 2021. As such, learned counsel for the petitioner presses the prayer for bail.

Learned counsel for the State opposes the prayer and submits that there is a clinching dying declaration of the deceased-victim which squarely implicates the present petitioner-husband.

Moreover, due to the pandemic, it is contended, the trial could not proceed in the meantime. One of the co-accused is also absconding.

Keeping on balance the period of incarceration of the petitioner as well as the gravity of the offence, we are inclined to lean in favour of the latter to refuse bail to the petitioner.

Accordingly, CRM (DB) 74 of 2023 is dismissed at this stage.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)