

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

4.09.2023
Item no.15
Court No.01
P.P./S.D.

CRM (DB) 520 of 2023

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

And

In Re: Lokhibar Rahaman

.... petitioner

Mr. Jaydip Kanto Bhowmick

Mr. Sayantan Bhowmick

Ms. Rikta Sarkar

....for the petitioner

Mr. Abhijit Sarkar,

Ms. Sukanya Adhikary

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Rajganj Police Station Case No.282 of 2023 dated 02.06.2023 under Sections 498 (A)/302/120B of the Indian Penal Code.

Mr. Bhowmick, learned advocate appearing for the petitioner submits that the alleged incident occurred about 14 years after marriage. The victim is the first wife of the petitioner. The petitioner was neither present at the place of occurrence nor there is any material on record as regards his complicity. The petitioner has already suffered incarceration for about 46 days and upon completion of investigation, chargesheet has already

been submitted and in view thereof, further detention of the petitioner may not be necessary.

Mr. Sarkar, learned Advocate appearing for the State has drawn our attention to the Post Mortem report as well as the statement of the witnesses as recorded under Section 161 of the Cr.P.C.

Having heard the learned Advocates appearing for the respective parties and considering the materials in the case diary, particularly the Post Mortem report, the gravity of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour and accordingly his prayer for bail is refused at this stage.

The application being CRM (DB) 520 of 2023 is dismissed.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)