

07.12.2023

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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 668 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 945 of 2022 dated 21.08.2022 under Sections 498A/302/304B/34 of the Indian Penal Code.

And

In Re : Jiban Barman @ Jibon Barman Petitioner

Mr. Hillol Saha Podder
....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Sourav Ganguly
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 468 days. Case has not yet been committed. In this backdrop he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits report with regard to the reason for delay.

3. Report discloses a distressing state of affairs. In the charge-sheet filed in this case prayer has been made to discharge two accused viz. Ratan Barman and Tatan Barman. Notice was issued upon the de facto complainant for his response to the prayer for discharge. Notice has remained

unserved for more than one year and two months. Investigating officer is present in Court. He is unable to give proper explanation with regard to non-service of notice. After repeated queries he states de facto complainant is presently in Bangalore. We do not appreciate the lackadaisical attitude of the prosecuting/investigating agency in the matter. We direct immediate service upon the de facto complainant through investigating agency intimating him that he may contest the prayer for discharge of the two accused on the next date fixed. Thereafter Court shall proceed with the matter in accordance with law.

4. We have also considered the materials on record. Petitioner is the husband of the victim lady. She was tortured and suffered unnatural death at the matrimonial home within six months of marriage. There are ample materials implicating the petitioner in the crime. In view of gravity of the offence and involvement of the petitioner therein, we are not inclined to grant bail to him.

5. Application for bail is, thus, rejected.

6. Superintendent of Police, Cooch Behar shall look into the indifferent attitude of the investigating officer in the matter and shall take necessary steps against the said officer. He shall submit report before this court within six weeks from date.

7. Copy of the order be communicated to the Superintendent of Police, Cooch Behar for necessary action.

8. Presence of the investigating officer is noted and dispensed with.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)