

57.
Court
No.28

26.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2068 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Tamna P.S. Case No. 217/2022 dated 08.12.2022.
And

In the matter of: - **Sanjay Kumar Gupta**

...petitioner.

Mr. Saurabh Guha Thakurata, Adv ,
Ms. Nilanjana Sarkar, Adv.,
Mr. Abhratanu Sarkar, Adv.

...for the petitioner.

Mr. Subhomay Bhattacharya, Adv.,
Mr. Akash Ganguly, Adv.

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There are depositions of the witnesses which do not show the complicity of the present petitioner. The petitioner has been languishing in custody for about 542 days. He may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel appearing for the State, has raised strong objection against the bail prayer. He refers to the materials on record including statement of a witness, recorded under Section 164 of the Code of Criminal Procedure, 1973, which shows that the petitioner was last seen with the victim.
3. We have considered the materials on record as well as the depositions of the three witnesses. The witness, whose statement was recorded under Section 164 Cr.PC., has not yet

been examined before the learned Trial Court. The witnesses, who were examined before the learned Trial Court, are formal witnesses. There is sufficient incriminating material against the present petitioner.

4. Considering all the aspects, we are not inclined to allow the petitioner's prayer for bail. The prayer for bail is rejected.

5. The application being CRM (DB) 2068 of 2024 is accordingly dismissed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)