

39.  
17-12-2024  
(ct. no.29)  
S. De  
(Rejected)

## CRM (DB) 2972 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

**In the matter of : Gouranga Bhowmik. ....Petitioner.**

Mr. Rhiddhiman Mukherjee,  
Mr. S. Pattanayak,  
Syed Murshid Alam, ...for the petitioner.

Ms. Faria Hossain,  
Ms. Sujata Das, .....for the State.

### **Dictated by Apurba Sinha Ray, J.**

1. In spite of our direction in the earlier order dated December 3, 2024, nobody appears for the de facto complainant.
2. Learned advocate for the petitioner submits that the petitioner is in custody for about 193 days. He has been falsely implicated. There are series of irregularities in lodging the FIR as well as the timing of the FIR and the incident. However, as the petitioner is in custody for a considerable period and further there is no chance of early conclusion of the trial, he may be granted bail on any condition.
3. Learned counsel for the State opposes the prayer for bail. According to her, there are sufficient incriminating materials including the statements of the eye-witnesses recorded under Section 164 Cr.P.C. If the petitioner is enlarged on bail, the prosecution may suffer.
4. We have considered the materials on record. We have found that the statement of the eye-witness recorded under Section 164 Cr.P.C. has directly accused the present petitioner as the assailant of the deceased. There are sufficient incriminating

materials and as such we are not inclined to allow the present bail application of the petitioner, at this stage.

5. CRM (DB) 2972 of 2024 is dismissed.

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**