

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

08.04.2024
Court No.01
rpan /51

CRM (DB) 148 of 2024

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

And

In Re: Dipankar Roy

- Petitioner.

Mr. Biswarup Roy,

Ms. Supriya Debnath

.... for the Petitioner.

Mr. Aditi Shanakr Chakraborty, Ld. APP

Mr. Abhijit Sarkar,

Mr. Sourav Ganguly

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Jalpaiguri Women Police Station Case No.23 of 2023 dated 20.04.2023 under Sections 498A/494/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about one year and there is no possibility towards conclusion of the trial in the near future. No specific overt act has been attributed to the petitioner and the alleged incident occurred about 13 years after the marriage was solemnized. In the said conspectus, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ganguly, learned advocate appearing for the State, vehemently opposes the petitioner's prayer and submits that the petitioner is the principal accused, who is the husband of the deceased. The petitioner approached this Court thrice on earlier occasions and his prayer was rejected on 10.08.2023, 28.08.2023 and 04.01.2024. There are strong incriminating materials on record against the petitioner and in support of such contention reliance has been placed upon the statement of the complainant, as recorded under Section 164 of the Code and the *post-mortem* report.

Upon hearing the learned advocates and considering the materials on record, the gravity of the offence, its ramifications, the manner in which the offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour at this stage. Accordingly, his prayer for bail is refused.

However, the learned trial court is directed to conclude the trial as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

The application for bail, being CRM (DB) 148 of 2024, is dismissed.

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

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)