

13.05.2024.
62.
Ct.No.28
as
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

C.R.M. (DB) 173 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Bhaktinagar P.S. Case No.1063 of 2020 dated 08.12.2020 under Sections 498A/307/302 of the Indian Penal Code.

In the matter of : **Suman Sarkar.**

... Petitioner.

Mr. Debajit Kundu.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Subhasish Misra.

...for the State.

1. Petitioner is in custody for more than three years. He submits the case has not yet been committed. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner is the husband of the victim lady. He has been falsely implicated in her dying declaration.

3. We have considered the materials on record. Dying declaration of the victim/housewife implicates the petitioner i.e. her husband. However, case was not committed as another accused was absconded. Prosecution is not responsible for the delay.

4. In view of the aforesaid facts, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We direct the jurisdictional court to declare the absconding accused as a proclaimed offender if his attendance cannot be procured inspite of exhaustion of all processes and to forthwith commit the case to the court of sessions.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)