

Circuit Bench of Calcutta High Court At Jalpaiguri

CRM (DB) 718 of 2023

In re: An application for bail under Section 439 of the Code of Criminal Procedure 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.

- A n d -

In the matter of : Dipankar Roy

.... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. S. Bhowmik,
Mr. S. Kumar,
Ms. Rikta Sarkar,

... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Sourav Ganguly,

... For the State.

Heard Mr. Bhowmik, learned Counsel for the petitioner and Mr. Sarkar, learned Counsel for the State.

This is the third bail petition filed by the petitioner. The first bail petition being CRM (DB) 431 of 2023 is reported to have been dismissed for non-prosecution. The second bail petition being CRM (DB) 479 of 2023 was dismissed by detailed order dated 28.08.2023 which is reproduced below:-

"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. Bhowmik, learned Advocate appearing for the petitioner submits that the alleged incident occurred about 22 years after the petitioner's marriage on 3rd August, 2010. The allegations levelled are omnibus in nature. The petitioner has already suffered incarceration for 129 days and upon investigation chargesheet has already been submitted and as such further detention of the petitioner is not necessary and he may be enlarged on bail on any stringent condition.

The learned Advocate appearing for the State submits that there are strong incriminating materials on record against the petitioner. In support of such contention, he has drawn our attention to the seizure list and the post-mortem report.

Considering the seriousness of the offence, 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 any discretion in favour of the petitioner and his prayer for bail is refused, at this stage.

The application for bail CRM (DB) 479 of 2023 is dismissed.

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

The only submission advanced by learned Counsel for the petitioner is that when the aforesaid second bail petition was dismissed, the period of incarceration was 129 days which has now become more than 250 days. No other submission was advanced before us by the learned Counsel for the petitioner.

Learned State Advocate submits that neither there is any change in circumstance nor any fresh material brought on record

by the petitioner for consideration of his third bail petition nor any case has been made out by the petitioner for grant of bail and, therefore, this bail petition deserves to be dismissed.

We have carefully considered the submissions by learned Counsel for the parties and perused the record of the petition. We find that there is neither any change in circumstances nor any such material has been brought on record which may be a good reason for grant of bail to the petitioner. Under such circumstances, we find no reason to enlarge the petitioner on bail.

CRM (DB) 718 of 2023 is, accordingly, dismissed.

Urgent certified copy of this order, if applied for, be supplied to the learned Counsel for the respective parties.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)