

53. 07.03.2025
Court
No.29 (Tanmoy)

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 271 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Raghunathpur P.S. Case No. 1167/2024 dated 18.09.2024.
And

In the matter of: - **AMIT SARKAR**

Mr. Asif Dewan

...petitioner.

Mr. Soumik Ganguly
Mr. Sobhan Gani

...for the petitioner.

...for the State.

Dictated by Prasenjit Biswas, J.

1. It is said by the petitioner that he is absolutely innocent and has been falsely entangled with the crime. This petitioner is in custody since from 19.09.2024. After completion of investigation charge sheet has been submitted by the prosecuting agency, but copies have not been supplied to this petitioner. The case has not yet been committed to the court of sessions. There is no immediate chance of commencement of trial. The alleged incident took place at the spur of the moment since all the accused persons including the victim were under the influence of alcohol for which the victim fell in the river.
2. Learned Advocate for the State raises objection by submitting that sufficient incriminating materials have been gathered in the case diary by the prosecuting agency during course of investigation which show about *prima facie* involvement of this

accused petitioner with the alleged offence. The attention of this court is drawn to the statement of the witnesses recorded under Section 164 of Cr.P.C. (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023).

3. Perused the materials on record. There are sufficient incriminating materials in the case diary which show about *prima facie* involvement of the accused petitioner with the alleged offence. The involvement of this accused petitioner with the alleged offence cannot be ruled out at this stage. Keeping in mind the complicity of this accused petitioner with the alleged offence and after taking into consideration the seriousness of the offence, we are not inclined to enlarge the accused petitioner on bail at this stage.
4. The application being CRM (DB) 271 of 2025 is accordingly dismissed.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)