

10.09.2025

Item No.17

Ct.No.34

rc.

Reject

C.R.M. (M) 1232 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranaghat Police Station Case No. 287 of 2023 dated 12.05.2023.

And

In Re : **Rabin Karmakar**

... Petitioner

Mr. Jaydeep Biswas

Mr. Sumanta Das

Mr. Avilash Tripathi

Ms. Sayantika Sahu

... for the Petitioner

Mr. Subhamay Bhattacharya

Mr. Abhinaba Mukherjee

... for the State

Supplementary affidavit filed by the petitioner is taken on record.

Learned counsel for the petitioner submits that the petitioner is in custody for more than two years. He has been falsely implicated. He prays for bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record. An earlier FIR was lodged by one Khokan Biswas (co-accused in the present case) against Amit Mondal and Ashim Mondal (victim in the present case) which was registered under Sections 341/326/307/34 of the Indian Penal Code. The allegation therein was that Utpal Mondal was assaulted by

Amit Mondal, son of Ashim Mondal. Subsequent FIR was lodged on the same day with allegation under Sections 448/307/379/427/34 of the Indian Penal Code and Section 302 of the Indian Penal Code was added after the victim succumbed to his injuries. The petitioner has been implicated by the defacto complainant/wife of the victim who is an eye witness to the incident. She has been consistent in her version in her statement recorded under Section 161/164 of the Code of Criminal Procedure as well as in her evidence adduced before the learned trial Court. The postmortem report corroborates the prosecution case. The petitioner is in custody for more than two years. Offence, if proved, shall attract mandatory life imprisonment.

Considering gravity of the offence and prima facie involvement of the petitioner therein, prayer for bail is rejected at this stage.

The bail application is disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)