

29.09.2020
Item no. 1
Ct.12
FB/G. S. Das

C.R.M. No.7292 of 2020
C.R.A.N.1 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with GR Case NO. 520 of 2019 arising out of Rajarhat Police Station Case No. 50 of 2019 dated 20.02.2019 under Section 498A/302 of the Indian Penal Code (SC 517/19).

And

In the matter of:-

Motaleb Gharami

... Petitioner

Mr. Angshuman Chakraborty

.. for the petitioner

Mr. Saibal Bapuli,
Ms. Sayanti Santra

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned Advocate for the petitioner submits that the marriage between the deceased and the alleged petitioner was solemnised about 12 years before the date of the incident. Learned Advocate adds that although the incident was unfortunate but was initiated at the instance of the deceased and the victim and the petitioner is languishing in jail for a considerable period of time i.e. 637 days.

Further, according to the learned advocate the charge-sheet has already been filed and the charge has been framed by the Learned Sessions Court, further detention of the petitioner is unwarranted.

Mr. Bapuli, Learned Additional Government Pleader, appearing on behalf of the State opposes the prayer for bail and draws the attention of this Court to the post-mortem report which reflects that the death of the victim was due to strangulation.

We have considered the materials and the statements of the witnesses appearing for the present petitioner along with the post-mortem report and on appreciation of the same and also considering the nature and gravity of the offence we are not inclined to release the present petitioner at this stage on bail.

Prayer for bail is, thus, rejected.

CRM 7292 of 2020 is disposed of along with connected application, being CRAN 1 of 2020.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)