

DI. October 1,  
12. 2020

C.R.M. 7360 of 2020  
With  
C.R.A.N. 1 of 2020

( Via Video Conference )

In the matter of : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haripal Police Station Case No. 115 of 2017 dated May 18, 2017 under Sections 498A/307/34 of the Indian Penal Code;

And

In the matter of : Biswajit Hembram ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Arnab Chatterjee,  
...for the petitioner.

Ms. Sukanya Bhattacharya,  
Mr. Md. Kutubuddin,  
...for the State.

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petition appears to be more in hope. The petitioner says that there are conflicting dying declarations. However, the petitioner lays greater emphasis on the trial not being completed for a long time.

It is understandable that no criminal trial has taken place for more than six or seven months. It is possible that the conduct of any trial may not be possible over the next month or so.

As to the conflicting dying declarations, the later dying declaration appears, prima facie, to be in the presence of the investigating officer and the medical personnel.

Considering the material against the petitioner, the prayer for bail is rejected.

CRM 7360 of 2020 and the interim application therein are disposed of.

**( Sanjib Banerjee, J. )**

ar/dns

**( Aniruddha Roy, J. )**