

18.11.2020

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Ct-16
dns & ar

C.R.M. 7903 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Digha P.S Case No. 53 of 2019 dated 15.11.2019 under Sections 302/120B/34 of the Indian Penal Code

And

In the matter of: Avijit Pal

...Petitioner.

Ms. Jharna Biswas

Mr. Bandhu Brata Bhula ... For the Petitioner

Mr. Neguive Ahmed

Mr. Pradipta Kumar Ganguly ... 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.

An impassioned plea has been made on behalf of the petitioner that since he is in custody for more than a year and there is little material to proceed against him and even less likelihood of the trial taking place any time soon, he should be enlarged on bail.

The petitioner places portions from the complaint lodged by the father of the deceased woman. The father categorically asserts in the complaint that the murderer may have been his son-in-law or the petitioner herein. The complaint refers to the father's suspicion that those running the guest-house or hotel where the body of the deceased was discovered, may also have had a role in the unnatural death.

The State, on the other hand, relies on the statement of a 4-year-old son of the deceased woman. It appears that the woman took the child with her as she stepped out of her matrimonial home. The State says that the present petitioner accompanied the lady and the child to Digha and the complaint refers to an SMS being sent by the lady to her sister indicating the lodge in Digha where she was booked to stay.

According to the statement of the son of the deceased, a person that such son refers to “uncle” apparently tied the hands of his mother and left the mother hanging from the ceiling. The son claims to have been in the room to see the relevant “uncle” perform such act.

Though the petitioner claims that the son has not referred to the petitioner by name, considering the surrounding circumstances and the fairly undisputed position that the petitioner may have been the paramour of the deceased woman, the needle of suspicion strongly points to the petitioner as the culprit.

Considering the gravity of the offence and the manner in which it may have been committed, the petitioner’s prayer for bail cannot be acceded to. It is hoped that the trial is taken up as expeditiously as possible, immediately after the normal functioning of the Court resumes.

CRM 7903 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)