

20-10-2020

Court 12

C.R.M. 8096 of 2020**(Via Video Conference)**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 405 of 2019 dated 08.08.2019 under Sections 302/506/34 of the Indian Penal Code.

Saraswati Ghosh
Versus
State of West Bengal

Mr. Naranil De, Adv.
Mr. Rajeshwar Chakrabarty, Adv.

...for the petitioner.

Mr. Rana Mukherjee, Adv.
Ms. Sujata Das, Adv.

...for the State.

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

The learned Counsel for the petitioner submits that subsequent to the rejection of her application for anticipatory bail, she surrendered and she is in custody for 125 days. It is submitted that she has been falsely implicated.

Learned Counsel for the State, however, opposes the prayer for bail and submits that the petitioner is the prime accused and she set the victim husband on fire as would be evident from the dying declaration noted in the medical papers forming part of the case diary.

Having considered the materials on record and the dying declaration of the victim directly implicating the petitioner, we are not inclined to release the petitioner on bail.

Since the charge-sheet has been filed, we direct the learned Additional

Sessions Judge, Lalbagh, Murshidabad to initiate the process of framing of charges and take this proceedings to its logical conclusion as expeditiously as possible and preferably within a period of one year from the date of resumption of normal functioning of the court. The learned trial judge shall not grant any unnecessary adjournments to either of the parties.

The application for bail is, thus, rejected.

(Aniruddha Roy, J.)

(Soumen Sen, J.)