

09.10.2020
Item no. 4
Ct.11
FB/G. S. Das

C.R.M. No.5422 of 2020
with
CRAN 1 of 2020
(Old No. 3743 of 2020)
And
CRAN 2 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No. 118 of 20 dated 04.03.2020 under Sections 498A/304 B of the Indian Penal Code, G.R. No. (1)123/2020.

And

In the matter of:-

Biswanath Modak

... Petitioner

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
Mr. Saptarshi Chakraborty

.. for the petitioner

Ms. Aditi Sankar Chakraborty, APP
Mr. Biswarup Roy

..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.

This is an application under Section 439 of the Code of Criminal Procedure. The petitioner is in jail and is seeking release on bail on any condition in connection with Sahebganj Police Station Case No. 118 of 20 dated 04.03.2020 under Sections 498A/304 B of the Indian Penal Code being registered G.R. No. (1)123/2020.

It is pointed out that the marriage between the deceased and the petitioner took place five years ago. The offence as alleged under Section 304B is really contradictory. From the Memo of Evidence it appears that the person is also wanted in Connection with Sahebganj PS Case No. 265 of 2020 dt. 5.7.2020 under Section- 14A/14C of the Foreigners Act.

Having heard the learned advocate for the petitioner and for the State and also perusing the Memo of Evidence, we are not inclined to enlarge the accused on bail. Hence, the prayer for bail is rejected.

CRM 5422 of 2020 and the connected applications are disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Shivakant Prasad, J.)

(Subrata Talukdar, J.)