

06.01.2021
Item no.15
Ct.5
CHC
Rejected

C.R.M. No.43 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 603 of 2019 dated 06.11.2019 under Section 302 of the Indian Penal Code.

And

In the matter of:-

Raju Hembram alias Raju Hemram

... Petitioner

Mr. Siddhartha Sarkar

.. for the petitioner

Mr. Sudip Ghosh,
Mr. Botasok Banerjee

..for the State

This is to consider the prayer for bail.

Learned advocate, Mr. Siddhartha Sarkar for the petitioner submits that the petitioner has been falsely implicated in this case for alleged extramarital relationship of petitioner with the deceased sister-in-law. It is also submitted that the petitioner is in custody for last 425 days.

Learned Additional Public Prosecutor, Mr. Ghosh raises objection against prayer for bail referring the statement of the wife of the petitioner and the other witnesses recorded under Section 164 Cr.P.C. together with recovery of a dagger, said to have been used while committing death of the deceased.

Our attention is also drawn to the Post Mortem Report.

Learned advocate for the petitioner countering the reply of the learned Additional Public Prosecutor submits that the finger print collected even could not be matched, which is sufficient for releasing the accused on bail at this stage. The finger print could not be matched, as per report for insufficient finger impression being taken, the benefit of which, if there be any, is of course a subject matter of trial. Most of the witnesses are relations of the deceased and the petitioner as well. Charge-sheet has since been submitted. There has already been commencement of trial.

Having considered the materials already collected in the C.D. in context with the submissions of, both sides and also bearing the severity of the offence complained of we are not in favour of granting bail to the petitioner at this stage.

The prayer for bail stands refused.

We request the learned trial court to expedite the trial subject to the convenience of the court.

C.D. be returned.

CRM 43 of 2021 stands disposed of.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)