

12-01-2021
subha
Item no.23
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 149 of 2021

Subir Paul
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baguiati Police Station Case No. 402 of 2019 dated October 10, 2019 under sections 498A/325/307 of the Indian Penal Code.

Mr. Jayanta Narayan Chatterjee,
Mr. Sahidullah Mridha
Mr. Munshi Ashiq Elahi
Mr. Pradip Roy
Mr. Nazir Ahmed

...for the petitioner.

Mr. Sudip Ghosh
Mr. Apurba Kumar Dutta

... for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody for 459 days and he has been falsely implicated in the present case because he happens to be the husband of the victim/deceased.

Learned advocate for the petitioner further submits that till date the case has not been committed to the court of Sessions and the investigation having been completed long back, the petitioner is entitled to be released on bail.

Mr. Ghosh, learned advocate appearing for the State draws the attention of this Court to the statements of two daughters as well as that of doctor and the neighbours.

We have taken into account the materials on record that has been referred to in the case diary.

On perusal of the same, we are of the opinion that the petitioner is not entitled to be released on bail at this stage.

Accordingly, the prayer of the bail of the present petitioner is rejected.

However, having regard to the fact that the petitioner is in custody for 459 days, we direct the learned Chief Judicial Magistrate, North 24 Parganas at Barasat to commit the case to the court of Sessions, if the same has not been committed till date by 31st January, 2021. The learned Sessions Court is directed that if the case is committed by the aforesaid period within one month thereafter, the learned Sessions Court would overcome the stage of consideration of charge.

With the aforesaid observations, the application for bail being CRM 149 of 2021 is disposed of.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]

