

19.02.2021
Item no.29
Court No.28
Avijit Mitra

C.R.M. 433 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Asansol North Police Station Case No. 278 of 2019 dated 28.09.2019 under Sections 498A/302/304B/120B of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act;

And

In Re : Raju Khan

.... petitioner

Mr. Debapriya Samanta

....for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Aniket Mitra

... for the State

The learned advocate appearing for the petitioner submits that the petitioner married the victim lady about 3 ½ years ago. He has been falsely implicated in the alleged incident. There is no material disclosing involvement of the petitioner in the alleged offence. He further submits that in the dying declaration of the victim lady there was no statement against the petitioner herein. The mother of the petitioner herein has already been granted bail by a Coordinate Bench of this Court. However, the anticipatory bail of the sister-in-law of the victim lady has been denied. Learned advocate further submits that upon completion of investigation chargesheet has also been filed and as such further detention of the petitioner, who is in custody for 510 days, is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the code as well as the medical report. From the medical report it *prima*

facie appears that the victim lady was not in a condition to appropriately record statements. The name of the petitioner consistently appears in the statement of several witnesses as recorded under Section 161 of the Code.

Having heard learned advocates and considering the materials in the case diary, the magnitude of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner, at this stage.

Accordingly, the application for bail being C.R.M. No. 433 of 2021 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)