

08.03.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with **Minakhan** Police Station Case
Sl.40 **No.207 of 2020** dated **29.09.2020** under Sections
Ct.28 **498A/326/307/34** of the Indian Penal Code adding with Sections
302/304B of the Indian Penal Code;

And

In re: Eleem Box Molla

... petitioner.

Mr. Kallol Kumar Basu

Md. Jannat Ul Firdous

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.PP

Mr. Partha Pratim Das

Ms. Manasi Roy

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner is the father of the deceased. The alleged incident occurred about four years after marriage and the petitioner has been falsely implicated. Upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for 161 days is not warranted.

Mr. Mukherjee, learned Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the dying declaration. He further submits that out of total seven accused persons six are absconding and only the petitioner herein could be arrested.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the dying declaration and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

Accordingly, the application for bail being CRM No.759 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

