

18.03.2021
Item No.76z
Ct.No.28
Subha
rejected

C.R.M. 801 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Nasima Bibi @ Guriya & Anr.** ...
Petitioners.

Mr. Arun Naskar

... For the Petitioners.

Ms. Suknaya BHattacharyya
Mr. Mirza Firoz Ahmed Begg

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Bhadreswar Police Station Case No. 465 of 2018 dated 06-12-2018 under Sections 498A/302/304B of the Indian Penal Code.

Learned advocate for the petitioners submits that the petitioners are in custody for 825 days and the investigation of the case has already been concluded.

He also submits that on the basis of the statements, which are relied upon by the prosecution, allegation is against the husband and the present petitioners are innocent of the charges and as such, they may be released on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits that there are statements of neighbours and other witnesses, which reflect the complicity of the present petitioners.

He further submits that the evidence of the case has already commenced.

We have perused the materials on record available in the case diary including the relevant statements recorded under Section 164 of the Code of Criminal Procedure as also the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure and on perusal of the same, we find that there are consistent allegation of instigation against the present petitioners.

Having regard to the incriminating materials appearing against the present petitioners and the considering the stage of the case, we are not inclined to release the present petitioners on bail at this stage and as such, the prayer for bail of the present petitioners is rejected.

With the aforesaid observations, the application for bail being CRM 801 of 2021 is, accordingly, disposed of.

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

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)