

18.06.2021

Court No.28
Item No.06
(Rejected)

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&
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CRM 1873 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Khargram Police Station Case No. 54 of 2020, dated 11.02.2020 under Sections 498A/365/34 of the Indian Penal Code read with Section 302 of the Indian Penal Code.

And

In the matter of : **Kaber @ Kuber Sk. @ Kabir Sk & Anr.**
...Petitioners

Mr. Rajeshwar Chakraborty.

...For the Petitioners

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. A. K. Datta.

...For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the instant application is taken up for hearing.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Khargram Police Station Case No. 54 of 2020 under Sections 498A/365/34 of the Indian Penal Code read with Section 302 of the Indian Penal Code.

The petitioners are the husband and wife and jointly filed the instant application for bail having in custody for 496 days and 481 days respectively. According to the learned Advocate appearing for the petitioners, the deceased lady left the matrimonial house one and half year back and there was no contact thereafter and the petitioners have been implicated on a mere presumption, which has got no nexus and/or role for impleadment of the petitioners in the instant case.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the statements recorded under Section 161 of the Code of Criminal Procedure would clearly indicate the direct complicity of the petitioner to the alleged offence and though the charge sheet has been filed, but the charges have not been framed as yet.

Considering the submissions advanced by the respective Counsels and on perusal of the post mortem report as well as the statements of the persons recorded under Section 161 of the Code of Criminal Procedure, prima facie it appears that the trouble started after the petitioner no. 1 married for the second time during the subsistence of the first marriage. The incidents have been narrated by such persons and those are the matter of trial.

We do not feel that at this stage the petitioners should be released on bail and, therefore, the application for bail is rejected.

However, we direct the concerned Judicial Officer to expedite the matter so that it may be brought to its logical end at the earliest.

The application for bail, being CRM 1873 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)