

24.06.2021

Court No.28
Item No.28

Akd
&
Ab

CRM 2104 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Barabani Police Station Case No. 109 of 2019, dated 01.10.2019 under Sections 498A/326/307/34 of the Indian Penal Code read with Sections 3 / 4 of the Dowry Prohibition Act.

And

In the matter of : **Jayanta Ghosh.**

...Petitioner

Ms. Sreyashee Biswas,
Ms. Puja Goswami.

...For the Petitioner

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Debobrata Chatterjee,
Ms. Manasi Roy.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Barabani Police Station Case No. 109 of 2019 under Sections 498A/326/307/34 of the Indian Penal Code read with Sections 3 / 4 of the Dowry Prohibition Act..

Learned Advocate for the petitioner submits that the petitioner being the husband has been implicated in the instant case, when the victim lady herself poured kerosene on her body and set herself on fire. It is thus submitted that it is a case of suicide and not homicide in nature. It is further submitted that there was a delay in lodging the First Information Report as well as the so-called dying declaration of the victim lady much after the alleged incident.

Learned Advocate for the State opposes the prayer for bail. It is submitted that there was a conscious statement made by the victim lady, which was recorded as dying declaration, where the complicity of the petitioner has been established. It is further submitted that other witnesses have also corroborated the aforesaid incident and, therefore, the prayer for bail of the petitioner should not be granted.

Although, some of the co-accused have already been enlarged on bail, but after perusing the dying declaration of the victim lady, we find that the petitioner does not stand on the same footing as that

of the other co-accused. Whether there was a delay in lodging the First Information Report or whether the dying declaration was made strictly in conformity with the provisions of the statute are the matter of trial.

We do not find that it is a fit case where the petitioner should be enlarged on bail.

The application for bail, being CRM 2014 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)