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Ct. 28

CRM 2235 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Shahid Perwez @ Sahid Parvez**

....Petitioner

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury
...for the petitioner

Mr. Rana Mukherjee, APP
Mr. N. P. Agarwala
Ms. Sujata Das
...for the State

Apprehending arrest in connection with Bhadreswar Police Station Case No. 267 of 2019 dated July 30, 2019 under Sections 498A/304B/120B/109 of the Indian Penal Code the present application has been preferred.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the petitioner married the deceased on 31st January, 2014. The petitioner thereafter took up a job at Oman. On the date of the alleged incident the petitioner was not present and he has been falsely implicated. He

further submits that other co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court and in the said conspectus and as upon completion of investigation charge sheet has also been submitted, custodial detention / interrogation of the petitioner is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner's wife succumbed to more than 90 per cent burn injuries. In support of such contention he has drawn attention of this Court to the statement of the attending doctor, who treated the deceased, as recorded under Section 161 of the Code. He has also referred to the statements of the witnesses as recorded under Section 164 of the Code.

Contention of the petitioner that he was not in India on the date of the alleged incident does not stand supported by the documents annexed to the application. From the statement of witnesses as recorded under Section 164 of the Code it appears that the petitioner was very much present on the date of the incident. From the post-mortem report it appears that the petitioner's wife succumbed to more than 90 per cent burn injuries.

Considering the gravity of the offence, the post-mortem report, the statements of the witnesses as recorded under Sections 161 and 164 of the Code and the extent of

complicity of the petitioner in the alleged offence we are not inclined to grant anticipatory bail to the petitioner.

Accordingly, the application being **CRM 2235 of 2021** is dismissed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)