

14.07.2021

Court No.28
Item No.25
(Rejected)

As
&
Skb

CRM 2532 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kaliyaganj Police Station Case No. 157 of 2020, dated 25.05.2020 under Sections 498A/325/304/109/114 of the Indian Penal Code and alternative Section 302 of the Indian Penal Code.

And

In the matter of : **Profulla Barman @ Prafulla Barman.**
...Petitioner

Mr. Ziaul Haque.

...For the Petitioner

Mr. S. G. Mukherjee, Id. P.P.,
Mr. Debabrata Chatterjee, Id. A.P.P.,
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 Kaliyaganj Police Station Case No. 157 of 2020, dated 25.05.2020 under Sections 498A/325/304/109/114 of the Indian Penal Code and alternative Section 302 of the Indian Penal Code.

The petitioner is in custody for 425 days and have filed this application for bail on the ground that the petitioner had a scuffle with his wife and she was pushed and fell on the road and suffered a head injury which led her to succumbed instantly. There was no intention to kill her. It was a sheer accident for which he has been unnecessarily languishing in jail.

The State opposes the prayer for bail. It is submitted that the lady was assaulted by the petitioner and suffered a grievous injury which led to her death.

After hearing the respective counsel and on perusal of the materials available on record as well as the statement of the mother

of the victim who happened to be a eye witness recorded under Section 164 of the Code of Criminal Procedure, we do not find any material justifying the stand of the petitioner taken in this application.

Therefore, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 2532 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta, J.)