

16.07.2021

Court No.28
Item No.23
(Rejected)

Akd
&
Ab

CRM 2589 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Chanditala Police Station Case No. 198 of 2020, dated 11.08.2020 under Sections 498A/302/34 of the Indian Penal Code;

And

In the matter of : **Amit Das @ Khoka**

...Petitioner

Mr. Navnil Dey,
Mr. Rajeshwar Chakraborty.

...For the Petitioner

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Faria Hossain,
Mr. Aniket Mitra.

... For the State.

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

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Chanditala Police Station Case No. 198 of 2020 under Sections 498A/302/34 of the Indian Penal Code.

The petitioner is the husband of the victim lady, who died of strangulation. Learned Advocate for the petitioner prays for bail on the ground of parity. It is submitted that the father of the present petitioner has already been enlarged on bail and, therefore, there is no necessity of keeping the petitioner in custody, who is languishing in jail since last 339 days.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the complicity of the petitioner cannot be ruled out from the statement of the son of the victim lady recorded under Section 161 of the Code of Criminal Procedure. Though the charge sheet has been submitted but the case has not been committed for trial.

After perusing the statement of the minor boy recorded under Section 161 of the Code of Criminal Procedure and the role of the petitioner attributable to the commission of offence, we do not think that it is a fit case where the petitioner should be enlarged on bail.

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

The application for bail, being CRM 2589 of 2021, is **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta, J.)