

02.07.2021.
Item No.69
(Rejected)
ab/saswata

C.R.M. 2638 of 2021
(Via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2021 in connection with Contai Women PS case no. 35 of 2020 dated 28.04.2020 under Sections 498A/323/326/307/304(B)/34 of the Indian Penal Code;

And

In the matter of : **Moseda Bibi & Anr.**
... petitioners.

Mr. Koustav Ch. Das
Mr. Sk. Sahjahan Ali

...For the petitioners.

Mr. P.K.Dutta, Ld. APP
Mr. Sanatanu Deb Roy

... For the State

This is an application for bail in connection with Contai Women Police Station case no. 35 of 2020 under Sections 498A/323/326/307/304(B)/34 of the Indian Penal Code at the behest of the petitioners.

Learned Advocate for the petitioners submits that the petitioners are the in-law members of the deceased and they have been falsely implicated in this case. It is further submitted that in the alleged death of the deceased, the petitioners had not direct role and, as such, the petitioners may be extended the privilege of bail. The charge-sheet having thus submitted in this case, any further detention is unnecessary.

Learned Advocate for the State raises objection against the prayer for bail. It is submitted that there are direct allegations leveled against the petitioners by the deceased.

Our attention is drawn to the dying declaration of the deceased, wherein, the name of the petitioners has been disclosed describing them to be the principal perpetrators with another in the alleged crime.

Having considered the submissions of both sides and bearing in mind the dying declaration of the deceased victim revealing direct involvement of the petitioners, we are not inclined to grant bail to the petitioners.

Accordingly, the application for bail being CRM 2638 of 2021 is **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)