

17.11.2021

Court No.28
Item No.33
(REJECTED)

Saswata

CRM 3123 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Panchla Police Station Case No. 96 of 2020 dated 10.05.2020 under Sections 498A/315/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act;

And

In the matter of : **Ataulla Sha @ Ata Sha**

...Petitioner

Mr. S. Basu Roy Chowdhuri

...For the Petitioner

Mr. Saswata Gopal Mukherjee, Ld. PP

Mr. Partha Pratim Das

Ms. Mansi Roy

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Panchla Police Station Case No. 96 of 2020 under Sections 498A/315/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner has been apprehended in connection with the aforementioned case and is languishing in jail for nearly 595 days. The wife of the petitioner died of the burn injury and during the treatment, she made a declaration before the doctor that her husband poured kerosene oil on her body and set her ablaze.

Naturally, the death was caused due to burn injuries and such statement, which appears to be the last statement of deceased is taken to be correct.

There are incriminating materials or direct evidence against the petitioner attributable to his conduct in commission of such offence.

We, thus, do not find that it is a fit case for enlarging the petitioner on bail.

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

The application for bail being CRM 3123 of 2021 is accordingly
dismissed.

(Harish Tandon, J)

(Rabindranath Samanta,J.)