

07.07.2021.
Item No.140
(Rejected)
saswata/ab

(Via Video Conference)

C.R.M. 3284 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.04.2021 in connection with Patashpur Police Station Case No. 285 of 2020 dated 28.07.2020 for committing offence punishable under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In the matter of : **Debu Bera**

... petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Sk. Sahjahan Ali

...For the petitioner.

Mr. Rana Mukherjee
Ms. Sukanya Bhattacharya
Ms. Sujata Das
Mr. N.Dhali

...For the State.

This is an application for bail in connection with Patashpur Police Station Case No. 285 of 2020 for committing offence punishable under Sections 498A/304(B)/34 of the Indian Penal Code at the behest of the petitioner.

The learned Advocate for the petitioner submits that the charge-sheet of the instant case has already been submitted and no further custodial detention of the petitioner is required, more particularly, when the charges have not been framed as yet and the case has not reached to the stage of trial. It is further submitted that the mother of the petitioner, who was a co-accused, has been enlarged on bail and, therefore, the petitioner should not be detained any further.

The learned Advocate for the State opposes the prayer for bail and submits that the complicity to the offence relatable to the petitioner is eminent and evident from the statement of the witnesses.

We had an occasion to peruse the order dated 19th March, 2021 passed in CRM 897 of 2021 filed by the mother

of the petitioner, who was enlarged on bail. There is a categorical finding that the petitioner does not stand on the same footing with that of his mother. Furthermore, the charge-sheet was already submitted at the time when the said application for bail was considered and, therefore, we do not see any charged circumstances as of date, warranting different decision to what has already been taken in this application.

The application for bail being CRM 3284 of 2021 is ***rejected.***

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)