

47. 12.08.2021
Ct.32
Tanmoy
Dismissed

C.R.M. 3344 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **12/04/2021** in connection with **Barasat Police Station Case No. 251/2020** dated **04/06/2020** under Sections **498A/307/34** of the Indian Penal Code and added Section **302** of the Indian Penal Code.

And

In the matter of: - **Uttam Dutta**

....petitioner.

Ms. Minoti Gomes

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

...for the State.

The petitioner says that he is the brother-in-law of the victim who succumbed to burn injuries. He says that he is in custody for about 400 days. There are anomalies and inconsistencies between the contents of the three *dying declarations* given by the victim lady and statements of witnesses recorded under Section 164 of the Code of Criminal Procedure and in particular, statement of the 8 years old son of the victim lady according to whom, the husband of the victim set the victim on fire.

We find that the petitioner's prayer for bail was rejected by a co-ordinate Bench of this Court by an order dated January 19, 2021 in C.R.M. 10760 of 2020.

We have also gone through the material in the Case Diary and in particular, we have read the three *dying declarations* of

the victim lady. In the first of those, she specifically implicates the brother-in-law along with other family members.

On an overall assessment of the material on record and given the nature and gravity of the alleged offence and also in view of earlier rejection of the petitioner's prayer for bail in January, 2021 and there being no significant change of circumstances after that, we are not inclined to entertain the petitioner's prayer for bail at this stage.

Accordingly, the application for bail being C.R.M. 3344 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)