

18.11.2021

CRM 5371 of 2021

Court No.28
Item No.54
(REJECTED)

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.08.2021 in connection with Nakashipara Police Station case No. 624 of 2020 dated 07.12.2020 under Sections 498A/307/304B/302/34 of the Indian Penal Code;
And

In the matter of : **Ajim Sk. @ Choton Sk.**

...Petitioner.

Mr. Sumanta Das.

...For the Petitioner.

**Mr. Tanmay Kumar Ghosh,
Mr. Arindam Sen.**

... 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 Nakashipara Police Station case No. 624 of 2020 dated 07.12.2020 under Sections 498A/307/304B/302/34 of the Indian Penal Code.

The petitioner is in custody for nearly 343 days in connection with the aforementioned case. According to the petitioner, he has been falsely implicated in connection with the aforementioned case when his wife committed suicide voluntarily.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the deceased lady made a dying declaration before the medical attendant at the time of hospitalization implicating the petitioner in committing offence.

After hearing the respective Counsels and on perusal of the case diary it transpires that the deceased suffered a serious burn injury and succumbed to the same in the hospital. She made a declaration before death while being treated in the hospital ascribing the role of the petitioner in commission of offence. She clearly disclosed that the husband poured the kerosene on the person and set her blaze.

In view of such materials having found against the petitioner, it is not a fit case where the petitioner should be enlarged on bail.

The application for bail being CRM 5371 of 2021 is, thus, ***rejected.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)