

18.11.2021

CRM 5350 of 2021

Court No.28
Item No.52
(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 Frazer ganj Coastal Police Station Case No. 30 of 2019 dated 24.04.2019 under Sections 498A/302/201 of the Indian Penal Code;
And

In the matter of : **Sahadeb Patra.**

...Petitioner.

Mr. Sandip Kumar Mondal.

...For the Petitioner.

**Mr. Saswata Gopal Mukherji, Ld. PP,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.**

... 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 Frazer ganj Coastal Police Station Case No. 30 of 2019 dated 24.04.2019 under Sections 498A/302/201 of the Indian Penal Code.

Learned Advocate for the petitioner submits that there is no eye-witness and the entire case is based on circumstantial evidence. According to him, the chain of events has not been established and there is a considerable doubt in the version of the witnesses as well as the materials unearthed during investigation. It is, thus, submitted that the petitioner, who is in custody for more than two years, is entitled to be released on bail.

Learned Public Prosecutor submits that the minor girl aged

about nine years has disclosed the role of the petitioner in commission of offence, which would be evident from her statement recorded under Section 164 of the Code of Criminal Procedure. Furthermore, the employer of the petitioner has also disclosed that the petitioner confessed before him that he has murdered his wife.

After hearing the respective Counsels and on perusal of the case diary including the statement of the minor girl recorded under Section 164 of the Code of Criminal Procedure, it discloses the role of the petitioner in commission of offence. Even though the case is based on circumstantial evidence, it is a matter of trial whether the chain has been completed or considerable break of events creating a reasonable doubt.

Based on the statement of the daughter of the petitioner, we do not think that the petitioner should be enlarged on bail at this stage.

The application for bail being CRM 5350 of 2021 is, thus, ***rejected.***

However, we request the learned Sessions Judge to expedite the trial of the case.

(Harish Tandon, J)

(Rabindranath Samanta,J.)