

04.10.2021
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Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. 6510 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mongolkote** Police Station Case No. **53** of **2020** dated **02.03.2020** under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Shah Miraj Hossain @ Sha Mirza Hossain
..... petitioner

Ms. Minoti Gomes
Md. Hafiz Ali

... for the petitioner

Mr. Tanoy Ghosh
Mr. Arindam Sen

... for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner draws the attention of the Court to the dichotomy in the contents of the First Information Report (FIR) and the Statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). She submits that, the child making the statement under Section 164 Cr. P. C. was in the matrimonial home before making such statement for a period of at least two months.

Learned advocate appearing for the State draws the attention of the Court to the post mortem report and the statement recorded under Section 164 Cr. P. C. of the son of the victim.

Considering the materials in the case diary and considering the statement recorded under Section 164 of the Cr.

P. C. and the post mortem report, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail is rejected and the application being CRM 6510 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)