

06.12.2021
Court No.32
Item No. 29
Avijit Mitra

C.R.M. 6925 of 2021 (via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sathi Bhattacharya (Dule)

Petitioner

Ms. Jeenia Rudra

For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman De

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Taherpur P.S. Case No. 102 of 2021 dated 12.05.2021 under sections 302/120B of the Indian Penal Code.

Ms. Rudra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled are unfounded. There is also no likelihood that the petitioner would flee from justice. Upon completion of investigation chargesheet has been submitted and as such, further detention of the petitioner, who is in custody for 187 days, is not warranted.

Mr. De, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statement of the petitioner's son as recorded under Section 164 of the Code, the *post-mortem* report and the seizure list.

He further submits that petitioner along with her paramour, namely, Bhajan had committed the offence. Offending weapon has

been recovered on the leading statement of Bhajan, who is already in custody. The materials on record thus exhibit direct nexus of the petitioner in the alleged offence.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner at this stage.

Accordingly, the application for bail, being CRM No.6925 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)