

21.12.2021
Court No.32
Item No. 254
Tanmoy
Bail Rejected

**C.R.M. 6940 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Special Case No. 07 (01) 21 arising out of Santipur Police Station Case No. 72/2020 dated 12.02.2020 under Section 306 of the Indian Penal Code, 1860.

And

In re: **Habib Sk.**

...Petitioner.

Mr. Souvik Mitter

... For the Petitioner.

Mr. Prasun Kr. Dutta, Ld. A.P.P.,
Mr. Subrato Roy

...For the State.

After languishing in custody for more than one year, two months, the instant application is filed by the petitioner praying for grant of bail.

Mr. Mitter, learned advocate appearing for the petitioner submits that there was a love affair between the present petitioner and the deceased. The present petitioner retracted from the affair, which led to the suicide by the victim. There is hardly any material to implicate the present petitioner in the alleged offence. Accordingly bail is prayed for.

Per contra, learned lawyer appearing for the State submitted that strong incriminating materials are there in the case diary against the present petitioner. Our attention is invited to the suicidal note left by the deceased, which indicates that it is the present petitioner who is responsible for

commitment of suicide by the victim *prima facie*. Therefore, according to him, bail should not be granted at this stage.

We have perused the case diary and heard rival submissions. Charge-sheet has been filed after completion of investigation but charge is not considered. On perusal of the case diary we found that there are very strong incriminating materials against the present petitioner showing his complicity in commitment of suicide by the victim girl.

Considering the nature of offence and its gravity, we are not inclined to allow bail at this stage. However, we direct the learned trial Court to consider the charge within a period of one month from the date of communication of this order and if charge is framed, to expedite the trial accordingly.

The application for bail, being CRM No. 6940 of 2021, is, accordingly, disposed of.

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.)