

CRM 7819 of 2021
(via video conference)

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

And

In Re : Md. Raja

.....Petitioner

Mr. Ujjal Ray

.....for the Petitioner

Ms. Faria Hossain
Ms. Sonali Das

.....for the State

The present application is filed under Section 439 of the Code of Criminal Procedure by the petitioner for release on bail in connection with Pandua P.S. Case No. 267/ 2021 under Sections 498A/304B of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

The learned lawyer for the petitioner submitted that the present petitioner is in custody for about 170 days. Charge sheet has been filed. Most of the witnesses are from Bihar. There is no scope of tampering or winning over the witness. Furthermore, the present petitioner did not abscond after the alleged death which shows that the petitioner has no tendency or intention to flee from the clutch of law. Since charge sheet has been filed, further custodial detention is not necessary. On these grounds, the petitioner prays for release on bail.

Per contra, the learned lawyer representing the State submitted that strong incriminating materials are there in the case diary. Death took place only four months after marriage. There are statement of witnesses connecting the present

petitioner to the alleged offence. Therefore, according to the learned lawyer representing the State, the petitioner should not be released on bail.

We have heard rival submissions and perused the case diary. From the statement of the witness and other materials, we find that strong incriminating elements are there against the present petitioner connecting him and establishing nexus with the alleged offence. The offence is grave and serious and the suicide took place within four months of marriage. Therefore, at this stage, we are not inclined to release the petitioner on bail and the same stands rejected.

The application being CRM 7819 of 2021 is dismissed.

However, we direct the learned Chief Judicial Magistrate, Hooghly at Chinsurah to commit the matter to the learned Sessions Judge within one month from date on receiving of this order and direct the learned Sessions Judge to consider charges within a period of one month from the date of commitment.

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.)