

16.03.2021

Item No.48

Ct.No.28

dc.

Rejected

C.R.M. 8750 of 2020

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Liluah P.S. Case No. 209 of 2019 dated 25.08.2019 under Sections 498A/326/307 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act with adding Sections 304B/302 of the Indian Penal Code.

And

In Re : **Ranjit @ Ranjit Das**

... Petitioner.

Mr. Ranjit Singh

... For the Petitioner.

Mr. Aniket Mitra

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Liluah P.S. Case No. 209 of 2019 dated 25.08.2019 under Sections 498A/326/307 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act with adding Sections 304B/302 of the Indian Penal Code.

It is submitted by the learned advocate for the petitioner that the petitioner is languishing in jail for nearly 517 days in connection with the offence which, in fact, has not been committed by him. It is, however, submitted that the victim did not speak of any direct complicity of the petitioner with the alleged offence and therefore, the petitioner should be enlarged on bail.

The learned advocate for the State opposes the prayer for bail and submits that earlier three applications for bail were rejected upon perusal of the materials unearthed during the investigation including the dying declaration and there is no changed circumstances which warrant different decision to be taken in the instant application.

After hearing the respective counsels, it is no doubt true that this is fourth application for bail filed by the petitioner. The last of such bail application was dismissed on 24.09.2020 with the categorical finding that the materials available from the case diary as well as the statements made by the victim before her death i.e. the dying declaration does not absolve the petitioner from any complicity to the alleged offence. Admittedly the charge-sheet has been filed on 17.12.2019. The aforesaid bail application was dismissed after filing the charge-sheet. We do not find any changed circumstances warranting a different decision to be taken to what had already been taken on earlier occasion. As such, the petitioner's prayer for bail is **rejected**.

The application for bail, being CRM 8750 of 2020, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)