

19.01.2021
Item No.48
Ct.No.28
Subha
rejected

C.R.M. 10760 of 2020
(Via Video Conference)

Uttam Dutta
-versus-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Barasat P.S. Case No. 251 of 2020 dated 04-06-2020 under Sections 498A/307/34 of the Indian Penal Code with added Section 302 of the Indian Penal Code(G. R. Case No. 412 of 2020).

Ms. Minoti Gomes
Ms. Monika Sarkar

... For the Petitioner.

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen

... For the State.

Leave is granted to the petitioner to amend the cause title.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 217 days and he is similarly placed with other accused person, who has been extended the privilege of Section 438 of Code of Criminal Procedure.

Mr. Ghosh, learned advocate for the State draws the attention of this Court to the two dying declarations of the victim dated 4th June, 2020 and 11th June, 2020.

We have considered the materials on record as also the dying declarations of the victim and other statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

Having regard to the complicity of the petitioner, we are not inclined to release the petitioner on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

If an application on the ground of ill health of the petitioner is taken out before the learned court below, the learned court below will accordingly direct the jail authorities to take appropriate steps.

With the aforesaid observations, the application for bail being CRM 10760 of 2020 along with connected application, if any, is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)