

23.06.2021

Court No. 28
Item No. JB-18
nandy/seth

(bail rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 660 of 2021

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 11.06.2021 in connection with Siliguri Police Station Case No. 628 of 2020 dated 19.05.2020 under Sections 498A/304/34 of the Indian Penal Code (G.R. Case 2293 of 2020).

and

In the matter of: **Narayan Das**

..... Petitioner

Mr. Jaydeep Kanta Bhowmik, Advocate

.....for the Petitioner

Mr. Aditi Shankar Chakraborty, Learned A.P.P.

Mr. Tapan Bhattacharjee, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Siliguri Police Station Case No. 628 of 2020 dated 19.05.2020 under Sections 498A/304/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case even after maintaining a conjugal relationship with the deceased victim for the last 35 years. According to the petitioner, it was an accident resulting in death of

the victim following a matrimonial discord on the spur of the moment. The allegation, raised against the petitioner is not in any way connected with the conduct, complained of against the petitioner.

Learned Advocate for the State raises objection submitting that the petitioner had an illicit relationship with another lady, to which the deceased victim raised protest and in connection therewith the deceased victim was put to suffer cruelty leading to her death. There are statements available in the case diary revealing involvement of the petitioner in the instant crime. Moreso, investigation has already been completed with submission of charge-sheet making out a prima facie case against the petitioner.

Significant feature of this case is that son/de-facto complainant lodged complaint against petitioner/father alleging inter alia that his father put his deceased/mother to continuous cruelty and ultimately caused her death.

Having considered the submissions of learned counsel of both sides, it appears that statements are there revealing direct involvement of the petitioner behind the death of deceased/wife over an illicit relationship of petitioner with another lady, and such relationship being resisted by the deceased wife/victim, she was put to suffer cruelty, and ultimately led to her death.

This is not fit case to exercise our discretion so as to grant privilege of bail. We, thus find sufficient grounds to reject the bail.

The prayer for bail is **rejected**.

The application being **CRM 660 of 2021** accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)