

28.04.2022
Serial no.52
Aloke
Ct. No. 29

CRM (DB) 1105 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Baguiati P.S. Case No. 70 of 2022 dated 01.03.2022 under Sections 498A/302 of the Indian Penal Code.

-And-

In the matter of: **Swapan Mondal & Anr.**

... ...Petitioners

Mr. Subhasish Pachhal, Advocate

Mr. Siraj Gooptu, Advocate

... ... For the Petitioners

Mr. Saswata Gopal Mukherjee, Id. PP

Mr. Partha Pratik Das, Advocate

Ms. Manasi Roy, Advocate

Mr. Amita Gaur, Advocate

... ... For the State

Petitioners pray for bail.

Learned Advocate appearing for the petitioners submits that the petitioners are in custody for 55 days. The petitioner nos. 2 took the victim to the hospital.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the dying declaration of the victim.

The victim died out of 100% burn injuries. The police did not register any unnatural death case.

There is a statement which is claimed to be the dying declaration of the victim. It is intriguing as to how a victim with 100% burn injuries made a dying declaration in the manner as claimed in the case diary and put a left thumb impression on such dying declaration. It is claimed in the dying declaration that the victim was wearing a pair of jeans along with top. It is also intriguing how a person suffered 100% burn injuries and that too from a candle light fire with the wearing apparels as noted herein.

The husband is in custody. There is no materials in the case diary showing that the husband treated the alleged any burn injuries suffered by him. In the so-called dying declaration, the victim claimed that her husband, son and the father-in-law were present at the time of the incident.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant bail to the petitioners.

CRM (DB) 1105 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)