

10.01.2022
Court No.32
Item No. 16
Avijit Mitra

C.R.M. 8096 of 2021

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

And

In Re : Kazi Soyel @ Soyel Kazi

.... petitioner

Mr. Habibur Rahaman

...for the petitioner

Mr. Madhusudan Sur,

Mr. Dipankar Paramanick

...for the State

Languishing in custody for about 355 days, the present application under Section 439 of the Code of Criminal Procedure is filed by the petitioner praying for bail in connection with Kaliachak Police Station Case No.75 of 2021 dated 21.01.2021 under Sections 498A/302/34 of the Indian Penal Code.

Mr. Rahaman, learned lawyer for the petitioner submitted, that chargesheet has been filed. The petitioner has been in custody for about 355 days. One co-accused, being the mother of the petitioner, is on bail granted by a Coordinate Bench of this Court. Trial is yet to be commenced. Accordingly, bail is prayed for.

Per contra, Mr. Sur, learned lawyer representing the State submitted that strong incriminating elements are there against the present petitioner. Death took place within five years of marriage. *Post-mortem* report indicates death by manual strangulation. He

further submitted that the body was found in the bedroom of the victim. Considering the strong incriminating elements against the petitioner, he strongly opposed the bail.

We have heard the rival submissions and perused the case diary. The other accused namely Kashmira Bibi who is the mother of the petitioner appears to be not on the same footing. Incriminating materials against the petitioner are very strong and the allegation is very grave and serious. Therefore, we are of the considered opinion that even though chargesheet has been filed we should not allow the petitioner to enlarge on bail. Accordingly, application for bail stands rejected at this stage.

However, we direct the learned Trial Court to consider the charge, if not done, within a period of one month from the date of communication of this order and to expedite trial subsequently.

The application for bail, being CRM No.8096 of 2021, is dismissed.

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)