

11.02.2022
Court No.32
Item No. 06
Avijit Mitra

C.R.M. No. 8885 of 2021 (Through video conference)

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

And

In Re : Golam Mostafa Sekh

Mr. Arnab Chatterjee

Petitioner

For the Petitioner

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jalangi Police Station Case No.180 of 2020 dated 7th May, 2020 under sections 498A/326/307/34 of the Indian Penal Code subsequently added sections 498A/302/34 of the Indian Penal Code.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about 4 years after the marriage. The petitioner's wife committed suicide. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 20 months, may not be necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as well as the *post mortem* report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that the victim herself stated before the witnesses that her husband and others are directly involved in the alleged offence. The victim expired due to burn injuries. Considering the seriousness of the offence, the manner in which the offence has taken place, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused at this stage.

The application for bail, being CRM No.8885 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)