

03.01.2022
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Ct. No 29
KAUSHIK
(rejected)

C.R.M. 8932 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Beniapukur** Police Station Case No. **363** of **2021** dated **17.09.2021** under Sections 307/323 of the Indian Penal Code, 1860 (Section 302 of the Indian Penal Code, 1860 was subsequently added).

And

In Re : Sk Sajjad. petitioner

Mr. Zohaib Rauf
... for the petitioner

Mr. Madhusudan Sur
Mr. Dipankar Pramanick
... for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioners submits that, the victim recorded her statement on September 15, 2021. She stated that the stove burst due at her behest. The petitioner was not implicated. He highlights the fact that if there is a conflict in dying declarations, the accused cannot be implicated.

Learned advocate appearing for the State submits that, the victim recorded four statements during the period from the incident till her death. He highlights the statement of the victim recorded on September 19, 2021.

The victim recorded four statements between the period September 15, 2021 when the incident occurred and September 19, 2021. The victim succumbed to her injuries on September 21, 2021. The last statement of the victim is of September 19, 2021, where she implicates the petitioner.

The evidential value of the four statements and the contents including the contradictions if there be any therein are

to be considered at the time of trial. Since the last statement recorded by the victim squarely implicates the petitioner, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 8932 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)