

11.02.2022
Item no.28
Court No.32
ss

C.R.M. 8993 of 2021

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

And

In Re : Jayanta Bagdi & ors.

.... Petitioners

Mr. Moloy Bhattacharyya

Mr. Subhrojyoti Ghosh

....for the petitioners

Mr. Debabrata Chatterjee, Ld. A.P.P.

Ms. Mousumi Sarkar

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Patrasayer Police Station Case No.14/21 dated 26.01.2021 under Sections 498A/307/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

Mr. Bhattacharya, the learned Advocate appearing for the petitioners submits that the petitioner nos.1 and 3 are the brothers-in-law of the victim and the petitioner nos.2 and 4 are their respective wives. They have minor children. The petitioners have already suffered incarceration for more than 164 days. Upon completion of investigation, charge-sheet has also been submitted and as such, further detention may not be necessary and they may be enlarged on bail.

The learned Advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses and the dying declaration of the victim, which was recorded one day after the alleged incident.

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

In the dying declaration of the victim, specific overt acts have been attributed to the petitioners. Considering the seriousness of the offence, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise discretion in their favour. As such, their prayer for bail is refused at this stage.

The application being C.R.M.8993 of 2021 is dismissed.

The learned Court below is requested to take up the question of consideration of charges on the next date, without granting any unnecessary adjournment to either of the parties. In the event, the charges are framed, the learned Court below shall take expeditious steps towards conclusion of the trial.

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.)