

11.02.2022

Court No.32
rpan / **36**

C.R.M. 9034 of 2021

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

And

In Re. : **Rasul Khan**

- Petitioner

Mr. Kallol Mondal,
Mr. Mussharaf Alam Sk.,
Mr. Rommel Khan
... for the Petitioner.

Mr. Anowar Hossain,
Ms. Z. N. Khan,
Mr. Mirza Firoj Ahmed Begg
... for the State.

The present application has been preferred by the petitioner in connection with English Bazar Police Station Case no.252 of 2021 dated 26.02.2021 under Sections 498A/302/34 of the Indian Penal Code, 1860, praying for bail.

Mr. Mondal, learned lawyer for the petitioner submitted that the charge sheet has been filed for long. The present petitioner is in custody for 350 days. There is no chance of immediate commencement of trial as charge has not been considered yet. Accordingly, considering long custodial detention, Mr. Mondal prays for bail.

Mr. Hossain, learned lawyer appearing for the State submitted that strong incriminating elements are there against the present petitioner, showing that he perpetrated the alleged offence. It is also submitted by Mr. Hossain that one of the co-accused, who is the second wife of the petitioner is absconding. Inviting

our attention to the post-mortem report, statements of the witnesses recorded under Sections 161 and 164 of the Code he strongly opposed the bail application.

We have heard the rival submissions and perused the C.D. From the post-mortem report, statement of the mother of the victim lady recorded under Section 164 of the Code and other documents, it, *prima facie*, appears that the present petitioner has direct complicity in the alleged offence and strong incriminating materials are there against him, indicating that he perpetrated the offence, *prima facie*. Although charge has not been framed and the petitioner is in custody for long, yet considering the extent of incriminating materials against the present petitioner, his complicity in the offence and seriousness and gravity, we are not inclined to allow bail and the same stands rejected at this stage.

The application for bail, being CRM 9034 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)