

08.03.2022
Court No.01
Item No.23
Saswata
(rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM (DB) 61 of 2022
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bagdogra Police Station Case No. 587 of 2020 dated 12.09.2020 under Sections 498(A)/302 of the Indian Penal Code, 1860.

And

In Re: **Seven Pahari @ Malpahari.**

Petitioner

Mr. Anirban Banerjee
Ms. Madhushri Dutta

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy

For the State

This is an application for bail at the behest of the husband of the deceased lady in connection with Bagdogra Police Station Case No. 587 of 2020 under Sections 498(A)/302 of the Indian Penal Code, 1860, whose body was found in a decomposed condition from a well.

Learned advocate for the petitioner is very much vocal in his submission that it is an undisputed fact that the petitioner was living separately with the victim lady and, therefore, there is no question of his involvement in commission of an offence.

Learned advocate for the State opposes the prayer for bail.

Our attention is drawn to the complaint as well as the post mortem report annexed to the case diary. From the complaint it appears that the petitioner as well as the victim lady was having a quarrel on 04/09/2020 and,

thereafter, they were untraceable until 07/09/2020 when a foul smell of a decomposed body spread over the area and ultimately, the decomposed body of the victim lady was recovered from the well. The postmortem report would reveal the cause of death due to head injury, which is ante mortem in nature.

Considering the totality of the facts and seriousness of the charges and the post mortem report, we do not find any ground to release the petitioner on bail.

In view of the above, the prayer for bail is *rejected*.

The application for bail being CRM (DB) 61 of 2022 is accordingly dismissed.

(Harish Tandon, J)

(Rabindranath Samanta, J)