

20.04.2023
Sl. No.45
akd
[Rejected]

C. R. M. (DB) 1594 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Bharatpur Police Station Case No.231 of 2022 dated 28.07.2022 under Sections 498A/325/326/307/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/302/34 of the Indian Penal Code. (G.R. Case No.1267 of 2022)

And

In Re: ***Dulal Dey @ Dulal Chandra Dey***

... .. Petitioner

Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is a physically challenged person. Allegation of pouring kerosene oil and setting the wife on fire is patently absurd. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and refers to the dying declaration of the victim.

We have considered the materials on record. Victim in her dying declaration implicated the petitioner in the crime. His bail prayer was rejected earlier on merits. We are of the prima facie view extent of his physical disability does not wholly rule out the involvement of the petitioner in the crime. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

