

24.08.2023
Sl. No.12
akd
[Rejected]

C. R. M. (DB) 3089 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.08.2023 in connection with Nabadwip Police Station Case No. 90 of 2022 dated 09.03.2022 under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Tapas Debnath***

... .. Petitioner

Mr. Sagar Saha
Mr. Subir Debnath
Ms. Roma Roy

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mrs. Manasi Roy
Ms. Eshita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted victim was alive for four days but did not make any statement implicating the petitioner. Victim had a prior marriage and had committed suicide because of tension with her former husband. There is no progress in the matter since rejection of bail by this court. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim lady committed suicide within ten months of marriage. She had been tortured by the petitioner. Petitioner has criminal antecedents. He is accused of abetting the suicide of his first wife and facing a criminal case. Charges have been framed in the present case.
3. We have considered the materials on record. Statements of witnesses show petitioner tortured the victim lady. She died due to

poisoning. Death was within ten months of marriage. Petitioner has similar criminal antecedent and is facing prosecution for abetting the suicide of his former wife. In view of the aforesaid materials on record, antecedent of the petitioner and as charge has already been framed, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to conclude the trial at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)