

28.08.2023
Sl. No.17
akd
[Rejected]

C. R. M. (DB) 3267 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with Harwood Point Coastal Police Station Case No.479 of 2022 dated 06.11.2022 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In Re: ***Babusona Maity***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Partha Sarathi Mondal
Mr. Sourov Mondal

... .. for the petitioner

Mr. Saswata Gopal Mukherji .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

1. Further report is placed on record. From the report it appears cause of death is homicidal in nature.
2. It is open to the petitioner to dispute such issue in course of trial. Petitioner cannot claim parity with co-accused who have been granted pre-arrest bail. Order granting pre-arrest bail was passed when further investigation had not clarified death of the victim-housewife as homicidal. In view of gravity of the offence involving murder of the victim lady and prima facie involvement of the petitioner-husband therein, we are not inclined to grant bail to him at this stage.
3. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

