

02.05.2023
KC (6)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 167 of 2023

In the Matter of : Tapikul Miah @ Tafilul Miah
.... petitioner.

Mr. Ratan Chanddra Roy.....For the petitioner.

Mr. A.S. Chakraborty, Ld. A.P.P.,
Mr. Kallol Nag.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 178 of 2022 dated 4th November, 2022 under Sections 498A/302 of the Indian Penal Code corresponding to G.R. Case No. (I) 530 of 2022 (Cr. Misc. Case No. 05 of 2023) pending before the court of learned Additional District and Sessions Judge, Dinhata.

The charge against the petitioner is most serious and grave. He is accused of having murdered his first wife in the presence of two minor children who have recorded this alleged occurrence in their statement under Section 164 of the Criminal Procedure Code.

Charge-sheet has been filed on 25th January, 2023.

The court of the learned Additional Sessions Judge, Dinhata, on 18th January, 2023 rejected the application for bail of the petitioner. There are no new circumstances justifying the grant of bail at this point of time.

We take note of the submission of learned counsel for the State that if the petitioner is released on bail it would be a danger for the two minor children. He would also try to interfere with the testimony which they are likely to make before the court.

Since the charge-sheet has been filed almost six months ago, we would only observe that trial be expedited and be concluded as early as possible.

The application for bail [CRM (DB) 167 of 2023] is rejected.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

