

15.03.2024  
tkm/ct 28  
sl no. 47

**C.R.M. (DB) 841 of 2024**

In Re : An application for bail under section 439 Cr.P.C in connection with Panchla PS case no. 154 of 2019 dated 18.6.2019 under sections 498A/302/34 IPC

And

In Re : Bapan Das

..... petitioner

Mr. M Chatterjee

Mr.T Hazra

Mr. A Poali

Sk Toslim Ali

..... for the petitioner

Mr. Saryati Dutta

..... for the State

1. Petitioner is in custody for about five years. He submits prosecution witnesses have not supported the case. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner was in the room with the child. The child was smothered to death.
3. We have considered the evidence on record. Prosecution witnesses are the relations of the petitioner. Naturally they were won over and have not supported the prosecution case. However, witnesses may lie but circumstances do not. Petitioner was with the child when the latter was murdered. Post mortem report shows the child suffered homicidal death due to smothering. These incriminating materials need to be considered while adjudicating the guilt of the petitioner. Offences, if proved, would attract mandatory life imprisonment.
4. Under such circumstances, we are not inclined to grant bail to the petitioner.
5. Accordingly, prayer for bail is rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**