

09.
Court
No.28

14.06.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1601of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Panchla Police Station Case No. 272/2022** dated **24.07.2022**.

And

In the matter of: - **Najimul Hasan Ali Middya @ Najimul Hasan Middya**

...petitioner.

Mr. Ashok Das, Adv.,
Mr. Loslim Ali, Adv.

...for the petitioner.

Ms. Amita Gour, Adv.,
Mr. Soumadip Saha, Adv.

...for the State.

The petitioner is one of several accused persons. The charge is under Sections 498A/302/34 of the Indian Penal Code.

The petitioner is the husband of the victim lady. The allegation is that the petitioner, along with other family members, poured kerosene on the victim and set her on fire.

The petitioner says that he is similarly circumstanced as the other family members who have been granted bail by this Court.

Learned Advocate for the State opposes the prayer for bail and says that the petitioner does not stand on the same footing.

We have seen the material in the case diary including statements of witnesses recorded under Section 164 of the Code

of Criminal Procedure, 1973, which include statement of the 11-year old girl child of the victim and the petitioner. We do not think that the petitioner stands on the same footing as the other persons who have been granted bail. As a husband the petitioner definitely had greater responsibility towards the victim lady. There is nothing to show that the petitioner tried to save the victim lady.

In view of the gravity of the charge and the material on record, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The application being CRM (DB) 1601 of 2024 is accordingly dismissed.

We are told that charge is scheduled to be framed on June 28, 2024. Let that be done positively. Further, since the petitioner has been in custody for about one year and two months, the learned Trial Court shall expedite the trial to the fullest and conclude the same within a reasonable time but not exceeding eighteen months, excluding the official vacations of the Court.

If the trial is not concluded within the time period indicated above, the petitioner will be entitled to renew his prayer for bail.

The parties shall communicate this order immediately to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)