

10.06.2024
Item no.63.
Court No.28.
S. De

CRM (DB) No.1666 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 16.05.2024 in connection with Paikar Police station Case No. 293 of 2023 dated 28.09.2023 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of : Abul Kalam Azad. Petitioner.

Mr. Sujoy Sarkar,
Mr. Rahul Chachan,
.....for the Petitioner.

Ms. Faria Hossain,
Ms. Purnima Ghosh, for the State.

The petitioner renews his prayer for bail which was rejected by a Co-ordinate Bench on January 3, 2024, by an order passed in CRM(DB)4814 of 2023.

The allegation is that the petitioner, who is the brother-in-law (Bhasur) of the victim lady and other family members of the petitioner dragged the victim lady out of her room, poured kerosene on her and set her on fire.

We have seen the dying declaration of the victim lady as contained in the case diary. The petitioner says that he was not the person who poured kerosene or put fire on the victim lady. However, from the other material on record, we are not sure that it can be said with any certainty that the petitioner had no major role to play in the alleged incident. This will also be considered at the time of trial. Prima facie, there appears to be sufficient incriminating material against the petitioner.

Further there is no substantial change of circumstance since January 3, 2024, when the petitioner's prayer for bail was rejected by a Co-ordinate Bench. Hence, we are not inclined to allow this application.

The application for bail is, accordingly, rejected.

CRM (DB) 1666 of 2024 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)