

27.08.2024
Item no. 32.
Court No.28.
AB
(Rejected)

CRM (DB) 2253 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with South Port P.S. Case No.193 of 2023 dated 10.12.2023 under Sections 302 of the Indian Penal Code

And

In the matter of : Sajahan Molla

.....Petitioner.

Mr. Sabir Ahamed,
Mr. Gouranga Kr. Das for the Petitioner.

Mr. Joydeep Biswas,
Mr. Akash Ganguly for the State.

Dictated by Bivas Pattanayak, J.

1. Learned Advocate for the petitioner submits that the entire case of the prosecution is based on circumstantial evidence inasmuch as the victim, being the estranged wife of the petitioner, was living separately since 7/8 years. During such period of separation, the deadbody of the victim was recovered from the place where she was residing. There is no such nexus and/or connection of the petitioner with the alleged offence. Furthermore, criminal proceedings were initiated against the petitioner under Section 498A IPC as well as under Section 125 Cr.P.C. The petitioner is in custody for nine months. He prays for bail.

2. Learned Advocate for the State submits that from the statements of the neighbours of the victim, it appears that the petitioner was seen by them to enter into the house of the victim at 10 p.m. and leaving at 5 a.m. The petitioner was specifically identified in the TI Parade. Therefore, there are substantial evidences against the petitioner of his involvement in the alleged offence. On such ground, he prays for rejection of the bail prayer.
3. Upon perusal of the statements of the witnesses, it is found that the petitioner was seen to enter the house of the victim and on the subsequent day, the dead body of the victim was recovered from her house. The witness, who saw the petitioner entering the victim's house, has also identified the petitioner.
4. Considering the aforesaid material on record and keeping in mind the gravity of the alleged offence, we are not inclined to enlarge the petitioner on bail.
5. The prayer for bail is, accordingly, rejected.
6. CRM (DB) 2253 of 2024 is dismissed.
7. However, since the petitioner is in custody for quite some time, we request the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at the earliest but positively within one year from the next date fixed for recording of evidence.

8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Bivas Pattanayak, J.)