

11.09.2024
Sr. No. 50
Ct. No. 6.
AB
Rejected

C.R.M. (DB) 2554 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 Domkal Police Station Case No.783 of 2022 Dated 5.12.2022 under Section 498A/302/34 of the Indian Penal Code

In the matter of : **Banat @ Banat Ali Mondal**

....Petitioner.

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee ...For the Petitioner.

Ms. Shreeyashi Biswas
Md. Pervej Anam ...For the State.

1. Petitioner contends the vital witness, daughter of the deceased, has not supported the prosecution case. Accordingly, he renews his bail prayer.
2. Learned lawyer for the State contends deceased is the wife of the petitioner. She was strangled to death at her matrimonial home. Petitioner was present at his residence at that time.
3. We have considered the materials on record. Petitioner is the husband of the deceased wife. The deceased was strangled to death at her matrimonial home. In her statement before Magistrate, their minor daughter (P.W.3) stated the petitioner had strangled her mother. However, in Court she resiled from her statement before Magistrate. During cross examination

she stated that her father had come to the house after receiving the death of her mother. Taking the evidence of P.W.3 as a whole, it appears the witness has no recollection of the circumstances in which the crime was committed.

4. The offence occurred at night and it is most probable the petitioner was with his wife at that material point of time. Thereafter, he may have left the residence and returned again in the morning. It is argued that P.W.2 during cross examination stated that the petitioner used to work in a jute factory and visited his home on a half yearly interval. However, the said witness is also unable to throw light on the factual circumstances prevailing on the fateful day, particularly, with regard to presence of the petitioner. Most of the witnesses more particularly the minor daughter have been declared hostile giving rise to an impression of unholy influence on them at the behest of the petitioner. At this juncture, it would a travesty of justice if the petitioner is released on bail and the trial degenerates into a farce.
5. Accordingly, the prayer for bail stands rejected.
6. Trial be expedited.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

