

12.03.2025
Item no. 10.
Court No.29.
AB
(Rejected)

CRM (DB) 482 of 2025

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 Kalna P.S. Case No.695 of 2021 Dated 09.09.2021 under Sections 498A/302/201/34 of the Indian Penal Code read with Section 4 of the DP Act

And

In the matter of : Tahera Bibi

.....Petitioner.

Md. Imtiaz Ahamed,
Mrs. Ghazala Firdaus,
Mr. Mofakkerul Islam,
Sk. Saidullah,
Mr. Mithun Mondal,
Md. Arsalan for the Petitioner.

Mr. Saibal Bapuli, Id. APP
Mr. Pravas Bhattacharya.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner is the mother in law of the victim lady. She says that the principal accused being the victim's husband was granted bail by a Coordinate Bench by an order dated November 11, 2024, in CRM (DB) 2859 of 2024. She says that she is in custody for 212 days. Beyond filing of charge sheet, nothing has progressed. There are 17 charge sheet named witnesses. She prays for bail.
2. Opposing the bail prayer, learned State Advocate draws our attention to the statements of witnesses in the case diary. Prima facie, there is sufficient incriminating material against this petitioner. The post mortem report says that cause of

death was strangulation, ante mortem and homicidal in nature.

3. We further see that the petitioner was absconding for about three years. The victim's husband was granted bail after he was in judicial custody for about three years two months solely on the touchstone of Article 21 of the Constitution of India. That consideration would not apply to this petitioner, at this stage.

4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.

5. The prayer for bail is rejected.

6. CRM (DB) 482 of 2025 is dismissed.

7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date, without granting unnecessary adjournment to either of the parties.

8. Parties to 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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)

