

22.04.2025

Item No.21

Ct.No.34

rc.

C.R.M. (DB) 821 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No. 1026 of 2024 dated 20.11.2024 under Sections 103/80/85/3(5) of the Bharatiya Nyay Sanghita, 2023.

And

In Re : **Bappa Khan @ Md. Bappa**

... Petitioner

Mr. Debapratim Guha
Mr. Diptendu Banerjee
Ms. Anchita Sarkar

... for the Petitioner

Ms. Faria Hossain
Ms. Snigdha Saha

... For the State.

On the prayer of the petitioner liberty is granted to amend the cause title of the petition.

Learned counsel for the petitioner submits that the petitioner is the husband of the victim and is in custody for about 150 days. He has been falsely implicated only on the basis of suspicion and there is no direct evidence connecting him to the alleged offence. His further detention is not required. The petitioner prays for bail.

Opposing the prayer, learned counsel for the State submits that the petitioner was found in the house along with his family members soon before and after the alleged incident. The family members are absconding for which trial is not able to proceed.

I have considered the material on record. The petitioner is the husband of the victim. Record reveals that the petitioner was present in the house soon before and after the alleged incident along with the other family members. Under such circumstances, it is for the petitioner to explain under what circumstances the death occurred, in terms of Section 106 of the Indian Evidence Act. Also, co-accused are still absconding. Considering the material on record as well as prima facie involvement of the petitioner in the alleged offence, prayer for bail is rejected at this stage.

The application is disposed of.

Case Diary is returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)