

14.05.2025

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jb.
jdt.

C.R.M. (M) 176 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Nodakhali Police Station Case No. 158 of 2021 dated 27.05.2021 under Sections 498A/302 of the Indian Penal Code.

And

In Re : Chand Mahammad @ Bablu Petitioner

Mr. Joy Chakraborty
... For the Petitioner.

Ms. Anasuya Sinha
Ms. Trina Mitra
... For the State.

The petitioner is in custody for about 4 years and prays for bail.

Learned counsel for the petitioner takes this Court to the post mortem report of the victim which demonstrates that death was caused due to combined effects of injuries and consumption of toxic substance. However, the witnesses have unanimously stated that the victim died due to manual strangulation by the petitioner.

Learned counsel for the State opposes the prayer.

The petitioner appears to be the husband of the victim. Material on record discloses *prima facie* torture/assault meted out upon the victim by the petitioner. The contradictions pointed out on behalf of the petitioner shall be dealt with at the appropriate stage of the proceeding. Since admittedly the petitioner was residing with the victim at the relevant time, the petitioner owes an explanation with regard to the circumstance under which the incident occurred. This Court is informed that three more

witnesses are left to be examined. Trial should not take much time to conclude.

Considering the gravity of the offence as well as *prima facie* involvement of the petitioner therein , prayer for bail is rejected at this stage.

However, learned trial Court is directed to take the proceeding to its logical conclusion as expeditiously as possible without granting any unnecessary adjournment to either of the parties, in accordance with law.

The application for bail is disposed of.

Case diary be 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.)