

21.02.2025
Item No.16
Court No. 26
CHC
Rejected

CRM (DB) 4296 of 2024

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973, at present Section **483** of Bharatiya Nagarik Suraksha Sanhita, 2023 Act, in connection with **Namkhana** Police Station Case No. **44/2024** dated **24.03.2024** under Sections **498A/406/304B/302** of the Indian Penal Code at present under Sections 85, 316(2), 80, 103(1) of the Bharatiya Nyaya Sanhita, 2023, Charge Sheet No.85 of 2024 dated 19.06.2024 under Sections 498A/406/304B/302/34 of the Indian Penal Code and 3/ 4 DP Act, at present under Sections 85, 316(2), 80, 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3/ 4 D.P. Act.

-And-

In the matter of : **Kuntal Acharya**

... ..**Petitioner**

Mr. Gobinda Chandra Baidya, Advocate

Mr. Provash Mondal, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.

Ms. Rajashree Tah, Advocate

... ..For the State

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, petitioner is in custody for 334 days. Out of 13 prosecution witnesses, only one was examined. There is hardly any possibility of the trial ending any time soon.
3. Learned Additional Public Prosecutor submits that, the wife of the petitioner was found dead. He refers to the Post Mortem Report and submits that, death was due to manual strangulation. He refers to other materials on record.

4. Petitioner stands implicated in murder. The victim is his wife. Death occurred at the matrimonial home of the victim. Petitioner is obliged to explain the death particularly, when the Post Mortem Report states that, death was due to manual strangulation.
5. Trial is in progress.
6. Desirability of enlarging the petitioner on bail given the materials placed on record is not found.
7. In such circumstances, we are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. CRM(DB) 4296 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)