

S.C. 80 / 2024

Order No. 03 dtd. 06.08.2024

Sole accused namely Rahul Kumar Roy is produced from correctional home. He is remanded to correctional home till 10.09.2024.

To date for production.

Ld. P.P.-in-charge and Ld. Lawyer for the accused are present.

Today, this case is fixed for hearing of bail petition filed on 03.08.2024.

The bail petition filed on behalf of accused is taken up for hearing.

Heard both sides. Perused the bail petition, C.D and record. Considered.

Ld. Lawyer for the accused submits that charge sheet has been submitted in this case under sections 498A/304B of I.P.C. He further submits that the accused is in custody since 25.01.2024 and no prayer for bail of this accused was ever moved before any court. He also submits that there is no specific allegation of torture for nonfulfillment of demand of dowry upon the victim by the accused. Ld. Lawyer also submits that the accused intends to face trial and as such, he may be enlarged on bail.

Ld. P.P.-in-charge opposes the prayer for bail.

It appears from F.I.R. that the victim got married with the accused on 13.07.2021 and after the marriage, the accused used to torture her both physically and mentally over different issues and on 24.01.2024 the accused severely assaulted the victim and when the defacto complainant went there at 5 p.m., he found that the victim was lying in unconscious condition, from where she was shifted to hospital, where she was declared brought dead. On assumption that the accused committed murder of victim by pressing her neck, the instant case was started under sections 498A/302 of I.P.C. Subsequently, charge sheet has been submitted against the accused under sections 498A/302 of I.P.C. On careful perusal of statements under section 161 Cr.P.C., it is apparent that as per the statement of witnesses, the accused subjected the victim to cruelty by torturing her both physically and mentally for nonfulfillment of demand of dowry. According to the postmortem report, the victim had died due to the effect of hanging ante mortem in nature and the injury over her neck was non-continuous obliquely placed ligature mark high up around the neck. The victim had died within seven years of her marriage.

Considering the nature and gravity of the allegations against the accused and materials against him in C.D., I am not inclined to enlarge the accused on bail. Hence, prayer for bail of the accused stands rejected.

To **10.09.2024** for consideration of charge.

Dictated & corrected by me.

Sd/- (Sri M.K. Rai)
A.S.J.

Sd/- (Sri M.K. Rai)
Additional Sessions Judge
1st Court, Serampore