

19.03.2021
Item No.76
Ct.No.28
Subha
rejected

C.R.M. 931 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Beldanga P. S. Case No. 99 of 2019 dated 06-03-2019 under Sections 498A/304B/302/34 of the Indian Penal Code (G. R. Case No. 898 of 2019).

In the matter of : Mahasin Mallick @ Akali @ Mohasin Mallik
... Petitioner.

Mr. A. Bhattacharyya

... For the Petitioner.

Mr. Saswata Gopal Mukherji, PP
Mr. Aniket Mitra

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Beldanga P. S. Case No. 99 of 2019 dated 06-03-2019 under Sections 498A/304B/302/34 of the Indian Penal Code (G. R. Case No. 898 of 2019).

This is a renewal of the prayer for bail at the instance of the petitioner who is the husband of the victim lady. The earlier application for bail was rejected by this

court on 14th February, 2020 in CRM 1670 of 2020 recording a prima facie finding over the involvement of the petitioner in the murder of the victim wife. A point has been taken by the petitioner that there has been no progress in the case and, therefore, the petitioner is unnecessarily languishing in jail.

We have been informed that the chargesheet has already been submitted and in the near future there are every chance of the commencement of the trial after framing of charges.

Having prima facie found the complicity of the petitioner in the alleged offence and the cause of death appearing from the post mortem report in the case diary, we do not think that the petitioner should be released on bail and as such, the prayer for bail of the petitioner is rejected at this stage. However, we expect that's the trial would be expedited.

With the aforesaid observations, the application for bail being CRM 931 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)