

23.07.2021

CRM 3043 of 2021

Court No. 28
Item No. PB - 29
nandy/seth

(bail - rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 26.04.2021 in connection with Khanakul Police Station Case No. 191 of 2020 dated 15.08.2020 under Sections 147/148/323/325/302/506/34 of the Indian Penal Code and Section 2 of Prevention of Insult to National Honour Act, 1971. (G.R. No. .804 of 2020)

and

In the matter of: **Ali Hossain Mollick**

..... Petitioner

Mr. Biplab Mitra, Advocate

Ms. Trina Mitra, Advocate

.....for the Petitioner

Mr. Madhusudan Sur, Learned A.P.P.

Mr. Dipankar Paramanick, Advocate

..... for the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Khanakul Police Station Case No. 191 of 2020 dated 15.08.2020 under Sections 147/148/323/325/302/506/34 of the Indian Penal Code and Section 2 of Prevention of Insult of National Honour Act, 1971.

The petitioner is in incarceration for a period of 11 months and is seeking release on bail. This is the second round of application for his release on bail.

It is submitted on behalf of the petitioner that the petitioner is in no way connected with the offence as alleged.

Learned advocate for the State on the other hand invites our attention to the statement of the prosecution witnesses at pages 19, 20 and 21 and a copy of the postmortem report which reflects prima

facie involvement of the petitioner in the crime of grievous assault on the person of the deceased who succumbed to injury. Therefore, the petitioner cannot be released on bail on the ground of parity with the other five accused persons released in connection with this case.

Hence, we are not inclined to release the petitioner on bail.

As such, the prayer for bail is **rejected**.

The application being **CRM 3043 of 2021** accordingly **dismissed**.

(Subhasis Dasgupta, J.)

(Shivakant Prasad , J.)