

02.06.2021
Court No.28
Item No. 19
Avijit Mitra

CRM 3736 of 2021 (Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re: **Israil Ali Mallick**

Petitioner

Mr. Sudip Ghosh Chowdhury,

For the Petitioner

Mr. N. Ahmed,
Md. Anwar Hossain

For the State

The present application has been preferred in connection with Jangipara Police Station Case No.18 of 2021 dated 27.01.2021 under Sections 498(A)/302/34 of the Indian Penal Code.

Mr. Ghosh Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred 18 years after the marriage of his brother, namely, Mosaraf Ali Mallick with the deceased. The allegations are absolutely unfounded. In the alleged incident which occurred, the petitioner's brother also sustained burn injuries and expired. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 126 days, is not warranted in the facts and circumstances of the case.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the medical report and submits that the brother of the deceased at the time of medical examination of her sister, had categorically stated that the petitioner herein along with others poured kerosene oil on her sister's body.

Mr. Ahmed has also drawn the attention of this Court to the statement of the son of the deceased, as recorded under Section 161 of the Code.

We have heard the learned advocates appearing for the respective parties and considering the materials in the case diary.

Prima facie, there are materials on record which clearly indicate the involvement of the petitioner in the alleged offence. Overt act has been attributed to the petitioner. Considering the gravity of the offence and the extent of the complicity of the petitioner in the said offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

Accordingly the application for bail being CRM No.3736 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)

