

22.09.2021

CRM 4235 of 2021

court no. : 28
Item no. : PB-23
matter : 439
status : REJECTED
transcriber : nandy

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 22.06.2021 in connection with English Bazar Police Station Case No. 591 of 2020 dated 20.07.2020 under Sections 498A/304B/302/34 of the Indian Panel.

and

In the matter of: **Biswanath Ghosh**

.....Petitioner

Mr. Prabir Majumdar, Advocate

.....for the Petitioner

Mr. Rana Mukherjee, Advocate

Ms. Sukanya Bhattacharya, Advocate

Mr. Mirza Firoj Ahmed Begg, 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 English Bazar Police Station Case No. 591 of 2020 dated 20.07.2020 under Sections 498A/304B/302/34 of the Indian Panel.

The petitioner is in custody for more than one year in connection with afore-mentioned case and has filed the instant application renewing the prayer for bail. The earlier application being CRM 11069 of 2000 was dismissed on March 17, 2021 with the categorical finding that the postmortem report and medical report suggesting the gravity of the offence, which is ascertained from the case diary, does not instill any confidence upon the Court to release the petitioner on bail. It

appears from the said order that several cases were lodged against the petitioner and a positive finding was recorded. Because of such cases, there is no certainty that the petitioner would not misuse the bail.

Learned Advocate for the petitioner submits that in all such cases, the petitioner has been granted bail.

But the fact remains that all those cases have not been disposed of in favour of the petitioner holding him 'not guilty'.

After considering the gravity of the offence and the postmortem report, we do not think it is a fit case where the petitioner should be released on bail.

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

The application being **CRM 4235 of 2021** is accordingly **dismissed**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)