

17.11.2021

Court No.28
Item No.58
(REJECTED)

Saswata

CRM 5156 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Pukhuria Police Station Case No. 132 of 2021 dated 07.04.2021 under Sections 498A/302 of the Indian Penal Code;

And

In the matter of : **Pankaj Mandal @ Pankaj Kumar Mandal**
...Petitioner

Mr. Kaustav Bagchi
Mr. Arup Sarkar
Mr. Sourav Mukherjee
Mr. Debayan Ghosh

...For the Petitioner

Ms. Faria Hossain
Ms. Sonali das

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 132 of 2021 under Sections 498A/302 of the Indian Penal Code.

This is an application at the instance of the husband of the deceased lady who died of stab injury. The offending weapon, i.e., the knife was recovered on the leading statement of the petitioner.

We have further perused the statement of the son of the petitioner who clearly stated that the petitioner stabbed the mother which led the cause of death. Such a statement cannot be brushed aside at this stage. We cannot enter into the statement of the petitioner that the commission of an offence was at the spurt of the moment because of the hot altercation, which is normal in a matrimonial relationship.

Since, the statement of the witnesses including the son of the petitioner discloses the commission of an offence by the petitioner, we do not think that it is a fit case where the petitioner should be enlarged on bail.

The prayer for bail is, thus, ***rejected.***

However, for the purpose of precaution, we make it clear that the observation recorded hereinabove, is restricted to an application for bail and shall not have the swaying effect at the time of trial.

The application for bail being CRM 5156 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)