

05.01.2022
Court No.32
Item No. 225
Avijit Mitra

C.R.M. 6833 of 2021 (through video conference)

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

And

In Re : Kahar Mollah

.... petitioner

Mr. Mayukh Mukherjee,
Mr. Francis Samson Correa,
Ms. Kiran Kumari Mahato,
Mr. Sarthak Mondal

...for the petitioner

Mr. N.P. Agarwala,
Mr. Sandip Kundu

...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kasba Police Station Case No.162 of 2021 dated 19.06.2021 under section 307 of the Indian Penal Code.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner was suffering from extreme financial stringency during pandemic period and his salary was also withheld by his employer. The alleged incident occurred on the spur of the moment without intending the consequences thereto. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 182 days, is not warranted. The petitioner

was arraigned in another criminal proceeding in which he has been acquitted. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses including the doctor who treated the victim.

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

Prima facie, there are strong incriminating materials against the petitioner. Considering the gravity of the offence, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such his prayer for bail is refused at this stage.

However, as charge has already been framed, the learned Court below is directed to expedite the trial.

Accordingly, the application for bail, being CRM No. 6833 of 2021, is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)