

05.04.2023
Sl. No.35
akd
[Rejected]

C. R. M. (DB) 1217 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.03.2023 in connection with Berhampore Police Station Case No.1505 of 2019 dated 03.12.2019 under Sections 498A/304B/406/494/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act and subsequently charge sheet submitted under Sections 498A/302/34 of the Indian Penal Code.

And

In Re: ***Jakir Sk. @ Jakir Hossain @ Saharul @ Raja***
... .. Petitioner

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatun
Ms. June Modak

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 898 days. It is further submitted there is delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner set his wife on fire. Victim made a dying declaration implicating the petitioner. His bail prayer was rejected earlier on merits. Delay is due to vacancy in the trial court and cannot be attributed to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

