

D/L. 44
September 22, 2023.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 562 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Haldibari Police Station Case No. 152 of 2019 dated 07.08.2019 under Sections 498A/302/34 of the Indian Penal Code, 1860.

And

In the matter of: Bimal Mandal

.... Petitioner

Mr. Bikash Singh

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner argues that the petitioner is already in custody for more than four years. Two of the co-accused are already on bail.
2. That apart, it is argued that there is no eye witness, which vitiates the prosecution case.
3. Learned counsel for the State opposes the prayer for bail and submits that only one witness is left to be examined, for which the next date is October 16, 2023.

4. It is submitted that the petitioner is the principal accused and does not stand on the equal footing on those of the co-accused persons who have obtained bail.
5. We find that the petitioner was the husband of the victim and, as such, the principal accused. The co-accused persons, who have been granted bail, were the in-laws of the victim.
6. Hence, the petitioner does not stand on equal footing as the co-accused persons. Although the petitioner is in incarceration for quite some time, keeping in view that only one of the witnesses is left to be examined and the trial is on the verge of conclusion, we do not find any ground to grant bail to the petitioner at this stage.
7. Accordingly, CRM (DB) 562 of 2023 is dismissed with the direction on the trial court to conclude the trial within three months positively.
8. In the event the trial has not concluded within three months, the petitioner will be at liberty to renew his prayer thereafter without being prejudiced by the present rejection.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)