

21.08.2024
Item no. 33.
Court No.28.
AB
(Rejected)

CRM (DB) 2133 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Nabagram P.S. Case No.100 of 2022 dated 23.3.22 under Sections 498A/302/34 of the Indian Penal Code read with Section 25(i)(a)/27 of the Arms Act

And

In the matter of : Sandip Mandal @ Sandip Mondal @ Rahul

.....Petitioner.

Mr. Somnath Adhikary,
Mr. Mizanur Rahamanfor the Petitioner.

Mr. Antarikhya Basu,
Ms. Srilekha Chatterjeefor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected earlier on August 17, 2023. He says that he is in custody for two years and five months. On the ground of delay, he should be enlarged on bail.
2. Learned Advocate for the State, while opposing the prayer, draws our attention to the post mortem report as well as the ballistic expert's report. The allegation is that the petitioner shot his wife to death within seven months of marriage. The ballistic expert's report and the post mortem report support the prosecution case.

3. In view of the fact that the offending weapon was also seized from the petitioner and in view of the prima facie involvement of the petitioner in the alleged crime, we are not inclined to entertain his prayer for bail.
4. The prayer for bail is, accordingly, rejected.
5. CRM (DB) 2133 of 2024 is dismissed.
6. We appreciate that the petitioner is in custody for a considerable period of time. However, that factor has to be balanced and weighed against other factors like the quantum and quality of evidence that is on record.
7. Considering that the petitioner is in custody for two years and five months, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date and definitely within a year from the next date fixed for examination of witnesses.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

