

09.01.2024.
32.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4836 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Market P.S. Case No.174 of 2022 dated 07.08.2022 under Sections 302/307/379/427 of the Indian Penal Code.

In the matter of : **Minushree Mishra.**

... Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Mr. Prabir Majhi,
Mr. Jatindra Barik.

...for the Petitioner.

Mr. Swapan Banerjee, Id. Sr. Govt. Adv.,
Mr. Dipankar Mahata.

...for the State.

1. Heard the learned Advocates for the parties.
2. Report is placed on record. Report shows that petitioner was the Chief Havildar Major (for short CHM) attached to Central Industrial Security Force (for short CISF). During his duty, he open fire and killed one of his colleagues and injured others. During the course of arguments, it is contended that he was suffering from mental depression and was unaware of the consequences of his act.
3. In view of similar prayer, a learned Single Judge of this Court in WPA 22348 of 2022 directed assessment of the mental health of the petitioner. Pursuant to such direction, petitioner was subjected to medical examination and the report shows that he was not suffering from mental illness and was aware of the consequences of his act. Subsequently, another report was obtained by the

trial court which shows that petitioner is mentally alert and is fit to face trial. Opportunity was given to the petitioner to rebut the said reports. No material to rebut the said reports is placed on record.

4. In view of the aforesaid, we are of the opinion there are sufficient materials to implicate the petitioner in the crime. His mental condition is not of such nature that he was unable to comprehend the consequences of his act.

5. Hence, we are not inclined to grant bail to the petitioner at this stage.

6. Accordingly, the prayer for bail of petitioner is rejected.

7. We request the trial court to conduct the trial with utmost expedition and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)