

14.02.2025
Item No.41
Court No. 26
CHC
Rejected

CRM (DB) 3740 of 2024

In re : An Application for **Bail** under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023; under Section 439 of the Criminal Procedure Code, 1973 in connection with **Duttapukur** Police Station Case No. **359 of 2018** dated **30.04.2018** under Section **302** of the Indian Penal Code.

-And-

In the matter of : **Mechail Ali @ Dilu**

... ...**Petitioner**

Md. Yunush Mandal, Advocate

Mr. Pronojit Roy, Advocate

... ... For the Petitioner

Mr. Suman De, Advocate

Mr. Soumya Basu Roy Chowdhuri, Advocate

... ...For the State

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the wife of the petitioner died due to road traffic accident. He refers to the evidence of the Doctor who was examined by the prosecution at the trial. Moreover, he submits that, petitioner is in custody for about seven years.
3. Learned advocate appearing for the State submits that, trial is in progress. Prosecution intends to examine nine witnesses, out of which four were examined. He submits that, there is an eyewitness who is yet to be examined who stated that the petitioner threw his wife before a running truck. He also refers to the Post Mortem Report of the victim.

4. Post Mortem Report of the victim states that, the victim died out of the injuries noted on the body of the victim, ante mortem in nature.
5. Doctor conducting the Post Mortem examination at the trial in a suggestion stated that, the injuries can be caused by a road traffic accident.
6. Eyewitness who saw the petitioner threw his wife in front of the truck when the so-called accident occurred is yet to be examined at the trial.
7. As noted above, four of the nine prosecution witnesses were examined at the trial.
8. We request the learned trial Judge to expedite the trial. In doing so, learned trial Judge is requested not to grant any unnecessary adjournment to any of the parties.
9. The nature of the incident as appearing from the materials on record as also the complicity of the petitioner in the crime, the gravity of the offence, and the fact that the trial is in progress do not suggest desirability of granting bail to the petitioner.
10. Prayer for bail of the petitioner is **rejected**.
11. CRM(DB) 3740 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)