

06.06.2023.
30.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2097 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gobardanga P. S. Case No.357 of 2022 dated 26.12.2022 under Sections 302/376/411 of the Indian Penal Code.

In the matter of : Pintu Acharjee.

... Petitioner.

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya,
Mr. B. Das.

...for the Petitioner.

Mr. Nguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

Petitioner is in custody for 152 days. It is contended that the post mortem report does not disclose a case of forcible rape. There is no direct evidence that petitioner had committed the crime. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits that partial DNA profile of the petitioner on his underwear has matched with the DNA profile found in the vaginal swab of the victim. Finger prints collected at the place of occurrence matches with the petitioner.

We have considered the materials on record. We, however, note that the partial DNA profile of the petitioner matched with the vaginal swab of the victim. The death was due to throttling.

In view of the aforesaid incriminating materials and gravity of offence, we do not consider it prudent to enlarge the petitioner on bail.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)