

30.08.2023
tkm/ct 28
sl no. 34

C.R.M. (DB) 3389 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jamalpur PS Case No. 43 of 2021 dated 10.2.2021 under sections 448/323/324/354/326A IPC
and

In Re : Dhrubaraj Murmu @ Dhubaraj Murmu petitioner

Mr. U S Chattopadhyay
Mr. R Tah
Ms. T Rakshit
Ms. A Datta

..... for the petitioner

Mr. S S Bapuli
Mr. Arani Bhattacharya

..... for the State

Mr. Sujan Chatterjee
Mr. S Sinha

..... for the de facto complainant

1. Petitioner is in custody for 57 days. It is submitted he has been falsely implicated. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He submits bail of the petitioner was cancelled by a co-ordinate Bench of this court which came to be upheld by the Hon'ble Apex Court. Thereafter warrant of arrest was issued and petitioner surrendered. Presently, he is in custody.
3. Learned lawyer for the de facto complainant submits that the victim had been raped by the petitioner. A case was registered. During the pendency of the case petitioner threw acid at the victim on two occasions. Separate cases have been filed. Present case is one of them.
4. We have considered the materials on record. Petitioner appears to be a dangerous and daring person. He cohabited with the victim on the false promise of marriage. Thereafter on two

occasions it is alleged he threw acid at the victim. Two cases have been registered. In the present case petitioner was enlarged on bail which came to be cancelled. Subsequently, warrant of arrest was issued. Thereafter he surrendered and is in custody for 57 days.

5. It is strenuously contended that the Hon'ble Apex Court has given leave to pray for bail under changed circumstances. Vulnerable witness i.e the victim is yet to be examined. Petitioner has a propensity to attack the victim. There is every likelihood that he may harass and intimidate the victim if released on bail.

6. The aforesaid factual background of the case does not persuade us to hold there is substantial change in circumstances which would justify release of the petitioner on bail.

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

8. Accordingly, the prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)