

23.11.2023
tkm/ct 28
sl no. 43

C.R.M. (DB) 4398 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jhargram PS case no. 104 of 2023 dated 16.4.2023 under sections 341/323/325/363/34 IPC adding sections 302/201 IPC charge sheet submitted under sections 341/323/325/364/302/201/120B/34 IPC

And

In Re : Goutam Mallick

...petitioner

Mr. S Das Mahapatra

Ms. M Sinha

..... for the petitioner

Mr. Debasish Roy, ld PP

Mr. P P Das

..... for the State

1. Petitioner contends incriminating statements of witnesses before Magistrate seen were recorded after a protracted lapse of time.
2. Learned lawyer for the State opposes the bail prayer. He contends statements of the said witnesses were recorded before police immediately after the occurrence. Body was recovered on the leading statement of a co-accused.
3. We have considered the materials on record. Statements of witnesses made before police as well as Magistrate show petitioner and co-accused were seen assaulting the victim. Though their statements before Magistrate were recorded after sometime, it is undeniable that the statements before police were promptly recorded. Body of the victim was recovered on the leading statement of a co-accused.
4. In view of the aforesaid materials on record and gravity of offence, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)