

07.02.2024
tkm/ct 28
sl no. 44

C.R.M. (DB) 388 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jamalpur P.S. 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. S S Chatterjee

Ms. R Tah

Ms. Trisha Rakshit

Ms. ADatta

..... for the petitioner

Mr. Debasish Roy, Id PP

Ms. Sreyashee Biswas

..... for the State

Mr. Sabyasachi Chatterjee

Mr. O F Gazi

Ms. Indrani Roy

Mr. D Das

..... for the de facto complainant

1. Petitioner is in custody for 218 days. He contends FSL report does not show presence of acid in the glass bottle recovered during investigation. This improbabilises the prosecution case of acid attack. It is also argued vulnerable witnesses have been examined and presently the court is lying vacant. Accordingly, he prays for bail.
2. Learned lawyer for the State opposes the bail prayer. She contends three witnesses are to be examined by the prosecution.
3. Learned lawyer for the de facto complainant also opposes the bail prayer. He contends bail prayer of the petitioner was cancelled by this court which was affirmed by the Hon'ble Apex Court.

4. We have considered the materials on record. Four witnesses have been examined in full by the prosecution. Victim has been examined in part and her cross examination for reasons best known to the defence was adjourned. During her deposition victim stated acid was thrown on her body. Medical papers produced before us disclose of acid burns on the victim. In this background non-detection of acid in the glass bottle recovered during investigation is of little consequence.
5. During trial petitioner has sought adjournments for cross examination of the victim and other witnesses. This has contributed to the delay.
6. Under such circumstances, we are of the opinion petitioner is not entitled to bail at present.
7. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)