

09.04.2024
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rejected

C.R.M.(DB) No. 1045 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur Police Station Case No. 104 of 2023 dated 27.03.2023 under Sections 363/365 of the Indian Penal Code.

And
In Re : Bittu Mondal petitioner

Mr. Ayan Bhattacharya
Mr. D. K. Mukherjee
Mr. Kunal Ganguly
....for the petitioner

Mr. Joydeep Roy
Ms. Suveni Banerjee
... for the State

1. Learned Counsel for the petitioner submits he is in custody for over one year. It is also submitted there is no direct evidence connecting him with the kidnapping for ransom and murder. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits trial is in progress. Ten witnesses have already been examined.

3. We have considered the materials on record. A minor boy was kidnapped for ransom. Petitioner made extra-judicial confession to his girlfriend admitting his guilt. The said confession is corroborated by DNA report which shows recovery of hair from the hand of the deceased which matched with that of the petitioner. He had also made preparation for disposal of

the dead body by purchasing sack and black tape from witnesses. Offence if proved would attract mandatory life imprisonment. Trial is in progress and ten witnesses have already been examined. In the event petitioner is released on bail at this stage vulnerable witnesses may be won over. Clinching incriminating materials and other attending circumstances do not persuade us to release the petitioner on bail at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial and conclude the same without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)