

16.08.2024
Court No.1
SL No.12
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(DB) 328 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kotwali** P.S. Case No. **910 of 2023** dated **15.12.2023** under Sections **302/34** of the IPC.

And

In the matter of: **Raju Das**

....Petitioner.

Mr. Subham Chanda

...For the Petitioner.

Mr. Abhijit Sarkar
Mr. Tapan Bhattacharya

...For the State.

1. The application for bail is canvassed on the ground that the petitioner is in custody for about 112 days.

2. The statements on record of the witnesses indicate that the petitioner and his father often pressurized the deceased person to convey and transfer the land of the deceased to them. The accused No.1 is the son-in-law of the deceased person. Upon refusal of the deceased the said pressure were exerted many occasions as per the statement of the witnesses. A bike of the accused person was found in the scene of the crime. Admittedly, there are no eyewitnesses.

3. There is a statement of a witness, who has stated that the principal accused was found standing next to the bike on the place and time of occurrence.

4. Learned counsel for the State opposes the prayer for bail and submits that the accused person Ratan Das is absconding.

5. While it is true that the entire offence under section 302 requires something more than mere circumstantial evidence, given the chain of events, nature of injuries inflicted on the victim and the hanging of the victim after inflicting injuries, substantially point out at the involvement of the accused persons including the petitioner.

6. In view of the observations made hereinabove, this Court is not inclined to grant bail to the petitioner at this stage.

7. The application for bail is, thus, rejected.

8. It is expected that the trial shall be conducted as expeditiously as possible.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)