

20.
14-11-2024
(ct. no.01)
S. De
(Rejected)

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

CRM (DB) 606 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Makbul Mia & Anr.

.....Petitioners.

Ms. Suman Sehanabis (Mondal),
Ms. Anwesha Chakraborty,for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for bail which was lastly rejected as recently as on September 24, 2024, in CRM (DB) 459 of 2024. They say that they have been falsely implicated. There is no eye-witness to the alleged incident. They are in custody for 200 days. Even charge has not been framed.
2. Opposing the prayer, learned State counsel draws our attention to the statements of witnesses recorded under Section 164 Cr.P.C. The petitioners are implicated by name.
3. There may not be an eye-witness to the incident but circumstantial evidence may be sufficient in certain cases to secure conviction. If the chain of events can be completed by the prosecution, conviction can be made on the basis thereof.

We are told that December 7, 2024, has been fixed as the date for consideration of charge.

4. In view of the prima facie incriminating material against the petitioners who were arrested from Kishangunj area in Bihar, and given the gruesome manner in which the victim was murdered, whose headless body was recovered from a river, we are not inclined to allow the petitioners' prayer for bail, at this stage.
5. CRM (DB) 606 of 2024 is dismissed.
6. Needless to say, none of the observations made here which have any bearing on the trial and such observations have been made only for the purpose of disposing of this bail application.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)