

10.11.2025

Court No.35.

D/L. 26.

Rakib

(Rejected)

CRM (M) 1644 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jamboni Police Station Case No. 62 of 2025 dated 24.04.2025 under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Karam Bagal @ Ajit Bagal

.....Petitioner.

Mr. Soumajit Das Mahapatra

Ms. Madhurai Sinha

Ms. Upasana Banerjee

.....for the Petitioner.

Mr. Md. Adil Badr

Ms. Sreetama Das

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for one year and six months. It has been submitted that the materials collected by the investigating agency do not inspire confidence as there is much time gap between the body of the deceased being recovered and the plea which has been taken by the prosecution as last seen theory. Learned advocate has also submitted that the statement which has been recorded under Section 164 of Cr.P.C./183 of BNSS are not legally admissible evidence and the attending circumstances as also the materials do not subjectively satisfy the test of chain of circumstances required in a case of circumstantial evidence.

On the other hand learned advocate for the State has drawn the attention of the Court to the statement of the

witnesses, the post-mortem report, the materials collected by the investigating agency as also the statement under Section 164 of Cr.P.C./183 of BNSS. It has been submitted that the next date has been fixed for consideration of charges.

I have taken into account the statement of the witnesses including the statement under Section 164 of Cr.P.C./183 of BNSS as also the statement under Section 180 of the BNSS. As it is reflected from the seizure list that on the basis of leading statement of the present petitioner blood stained wearing apparels were recovered, I am of the view that at this stage without any alternate theory relating to the life of the deceased having been terminated, I am not inclined to release the petitioner on bail.

Accordingly, CRM (M) 1644 of 2025 is dismissed.

Case Diary be returned to the learned advocate appearing for the State.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)