

Serial no. 147

(Bail Rejected)

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Harishchandrapur** Police Station Case No. **385** of **2022** dated **15.05.2022** under Sections **302/201/120B** of the Indian Penal Code, 1860

In the matter of : Nurjahan Bibi

*Ms. Amita Gour,
Mr. Nirupam Dhali, Advocates
... ..For the State*

1. Petitioner renews the prayer for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 2 years 9 months without the possibility of the trial concluding in the near future. Charges are yet to be framed. He submits that, co-accuseds were enlarged on bail. He refers to an order dated April 10, 2024 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 16651 of 2023. He submits that, after a period of 3 months from such order, such co-accused approached the jurisdictional Court who granted bail to such co-accused.
3. Learned advocate appearing for the State submits that the petitioner stands implicated in murder. She draws the attention of the Court to the order of rejection and the materials on record. She submits that the last phone call was from the petitioner to the victim who was found murdered at a mango orchard.

4. Victim was found murdered. Last telephonic call to the victim was made by the petitioner.
5. Involvement of the petitioner in the incident is far more serious than those of the other co-accuseds who were enlarged on bail from time to time and lastly by the jurisdictional Court.
6. In such circumstances, we are unable to return a finding that the petitioner before us stands on the same footing as that of the other co-accuseds who were enlarged on bail.
7. In such circumstances, we are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. **CRM (DB) 3632 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)