

27. 10.01.2025
Court
No.29 (Tanmoy)

Rejected

CRM (DB) 3726 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda P.S. Case No.104/2024 dated 23.02.2024.

And

In the matter of: - **Jitu Murmu**

Mr. Biswajit Tiwari ...petitioner.
Mr. Samarjit Balial ...for the petitioner.
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has no role to play in the alleged crime. This false complaint has been lodged due to village enmity. He is in custody for 318 days. Charge has been framed. His further custodial detention is unnecessary. He prays for bail.
2. Learned State Counsel, opposing the bail prayer, says that the victim was all of 11 years and nine months old at the time of the alleged incident. The petitioner was last seen together with the victim as would appear from the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973. Blood stained ‘gamchha’ was recovered from the custody of the petitioner. The post mortem report says that the cause of death is the cumulative effect of strangulation and other injuries which are *ante mortem* in

nature and in all probability, homicidal. There are injuries in the victim's genital areas.

3. On an overall consideration of the material on record and the possible extent of complicity of the petitioner in the alleged offence which is of a heinous nature and noting that trial has already begun and the complainant has been partly examined, we are not inclined to entertain the petitioner's prayer for bail, at this stage. The prayer for bail is rejected.
4. The application being CRM (DB) 3726 of 2024 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)