

01.05.2025
Item No. 02
Ct. No. 4
(AN)

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

CRM (M) 61 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with STR 02 (May) 2023, SC 171/2021 : GR-4659/21, Mal Police Station Case No. 498/21 dated 01.09.2021 under Section 302 of the Indian Penal Code, 1860 corresponding to Sessions Case No. 171 of 2021.

In the matter of : **Junil Oraon**

... Petitioner

Mr. Gopal Sah
Mr. Tanbir Alam

... for the petitioner

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Kallol Nag

... for the State

1. Learned advocate representing the petitioner viz. Junil Oraon submits that this petitioner is languishing in custody since 01.09.2021. He further submits that trial has not yet commenced inspite of several schedules being fixed.
2. In such circumstance, learned advocate seeks bail for the petitioner on any condition.
3. Learned Additional Public Prosecutor representing the State vehemently opposes the prayer for bail and brings to the notice of the Court the post mortem report and the

statements recorded under Section 164 of the Code of Criminal Procedure of Raj Oraon and Robert Oraon.

4. On going through the case diary specially the post mortem report and the statements recorded under Section 164 of the Code of Criminal Procedure of Raj Oraon and Robert Oraon, it transpires that the cause of death is as asphyxia.
5. Considering the post mortem report and the statements recorded under Section 164 of the Code of Criminal Procedure of Raj Oraon and Robert Oraon and also considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.
6. As regards to trial, it is very much painful that inspite of several schedules being fixed, prosecution has not been able to produce any witness.
7. In such circumstance, prosecution is directed to take sincere and effective steps so that witnesses are produced and trial is concluded at the earliest.
8. As such, the prayer bail is **rejected**.
9. CRM(M) 61 of 2025 is **dismissed**.

(Supratim Bhattacharya, J.)