

Item No.35

Ct.No.6

b.das

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kurseong Police Station Case No. 41 of 2024 dated 06.04.2024 under Section 302/201 adding Sections 364/376/511 of the IPC.

In Re : **Nabab Arju @ Nabab Arzu @Nawab Arju**
... Petitioner

Mr. Mrityunjoy Chatterjee
Ms. Madhushri Dutta ... for the Petitioner

Mr. Tapan Bhattacharjee
Dr. A. Chowdhury ... for the State

Mr. Arnab Saha
Md. Shoaib Akhtar ...for the de facto complainant.

The petitioner is in custody for about a year and renews his prayer for bail.

Learned counsel for the State submits that independent witness has stated in his statement recorded under Section

180 of the BNSS that the petitioner was last seen together with the victim, after which her dead body was recovered.

Learned counsel for the de facto complainant opposes the prayer and submits that there was a relationship between the petitioner and the victim and the petitioner kidnapped the victim after which her dead body was recovered. After a missing diary was lodged by the victim's parents, the petitioner came to the house of the victim and threatened her parents with dire consequences. He also pressurized them to withdraw the diary. A complaint was lodged by the petitioner's father before the jurisdictional PS in this regard.

I have considered the material on record.

The petitioner was last seen together with the victim prior to recovery of her dead body. Independent witnesses have implicated the petitioner in the alleged offence. The petitioner is in custody for about a year. Offence, if proved shall attract life imprisonment. Trial is about to commence. Considering the material on record as well as gravity of the offence, prayer for bail is rejected at this stage.

The application being CRM (M) 412 of 2025 is disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)