

21.04.2022

Sl. 59

Court No.29
suvayan
(rejected)

C.R.M. (DB) 1044 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.04.2022 in connection with **Pukhuria** P.S. case No. **482/2021** dated **30/11/2021** under Section **302** of the Indian Penal Code.

And

In the matter of: Tarikul Alam

....petitioner.

Mr. Arindam Jana

Mr. Soumajit Chatterjee

...for the petitioner.

Ms. Zareen N. Khan

Mr. Ashok Das

...for the State.

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 139 days. The petitioner was falsely implicated. He submits that the petitioner was taken into custody on December 3, 2021 where the petitioner allegedly made a confessional statement. The alleged recoveries were made on December 6, 2021. The alleged blood stained knife was not sent for forensic examination. He refers to the seizure list in respect of the mobile phone and submits with regard to the manner in which the seizure of the mobile phone was written in such seizure list.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. She submits that there was a relationship between the petitioner and the victim. There are call details recording of the victim and the petitioner. On the leading statement of the petitioner the mobile phone of the victim and the murder weapon were recovered. She submits that the police are likely to submit a supplementary charge-sheet depending upon the report of the forensic examination.

The death of the victim is homicidal as appearing from the postmortem report.

Mobile phone of the victim was seized on the leading statement made by the petitioner. The seizure list bears the left thumb impression

of the petitioner.

The blood stain knife was also seized again on the leading statement of the petitioner.

There are call details recording in the case diary showing that the petitioner and the victim were in touch each other prior to the death of the victim.

In the conspectus of the materials available in the case diary and considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 1044 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)