

26.09.2022.
20.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2868 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.23 of 2022 dated 11.01.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Debasish Biswas @ Ganesh & Ors.
... Petitioners.

Ms. Sananda Bhattacharyya.
...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.
...for the State.

Petitioners are in custody for 257 days. It is contended the victim committed suicide. It is further contended petitioner No.1 who is an employee of Metal and Steel Factory at Ichhapur was at his place of work. The said petitioner relies on a response given by this employer under the Right to Information Act in support of his plea of alibi. Accordingly, they pray for bail.

In view of the plea of alibi taken by the petitioner no.1, report was called for and has been submitted on behalf of the State. From the report, it appears though the attendance register shows the attendance of the petitioner in the office, tower location of his mobile phone was traced to his village. Statements of witnesses recorded during further investigation also show petitioner no.1 had conversed with them through the mobile phone in or about the time of occurrence. The aforesaid materials, therefore, do not support the plea of alibi. On the other hand, statements of witnesses implicate all the

petitioners in the assault. Subsequent thereto, the victim was set on fire. Hence, there are prima facie materials connecting the petitioners to the murder.

In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioners.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)