

02.09.2022

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rejected

C.R.M.(DB) No. 2971 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salanpur Police Station Case No. 30 of 2022 dated 30.01.2022 under Sections 302/201/506/120B/34 of the Indian Penal Code.

And

In Re : Nityagopal Nath petitioner

Mr. Ayan Bhattacharya

Mr. Kunal Ganguly

... for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 118 days. It is submitted co-accuseds have been granted bail.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner is standing on a different footing from the co-accuseds who have been enlarged on bail. Petitioner and one Tapas Nath committed murder of the deceased as the latter had an affair with his wife viz. Santana Nath, a co-accused. Santana and her brother had been granted bail as the charge against them was one of conspiracy.

We have considered materials on record. Electronic evidence collected in the course of investigation shows close proximity between the petitioner and the deceased at the place of occurrence. He stands on a different footing with the co-

accuseds who have been enlarged on bail. Keeping in mind the principal role played by the petitioner in the murder of the victim and gravity of the offence, we are not inclined to grant bail to the petitioner.

It is contended that the report with regard to electronic records had not been handed over to his client. Such issue may be addressed before the trial court in accordance with law.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)