

07.11.2022

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rejected

C.R.M.(DB) No. 3705 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 229 of 2021 dated 27.07.2021 under Sections 302/201/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Swapan Biswas @ Swapan Kumar Biswas @ Sapan Biswas petitioner

Mr. Shibaji Kumar Das

Ms. Rupsa Sreemani

... for the petitioner

Mr. Kallol Mondal

Mr. Sagar Saha

... for the CBI

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits there is no direct evidence connecting him with the murder.

Learned Counsel appearing for the CBI opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier on merits.

We have considered the materials on record including statement of the wife of the deceased recorded under Section 164 of the Code of Criminal Procedure implicating the petitioner in the conspiracy to murder the victim. It may also be apposite to note in her subsequent statement the witness had clarified that she had incorrectly described the petitioner as 'Swapn Sarkar'.

In view of the aforesaid materials on record and as bail prayer of the petitioner was rejected earlier in July, 2022 and delay in the matter is due to abscondence of co-accuseds, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)