

18.11.2022
tkm/ct 28
sl no.19

C.R.M. (DB) 4029 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 385/2022 dated 15.5.2022 under Sections 447/342/363/365/506/323/120B/34 of the Indian Penal Code

And

In Re : Nurjahan Bibi petitioner

Mr. Tapan Datta Gupta
Ms. P Anam

..... for the petitioner

Mr. S Bapuli
Mr. Bibaswan Bhattacharya

..... for the State

Mr. Ashok Ahamed

..... for the de facto complainant

Petitioner is in custody for 182 days. It is submitted on behalf of the petitioner that she was not present at the place of occurrence. She has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits petitioner had called the victim to an orchard. Thereafter, the victim was abducted by co-accuseds. Call detail records of the petitioner not only shows communication between the petitioner and the victim but also with co-accuseds. She does not stand on the same footing with co-accused Sajahan who is on bail.

Learned lawyer for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record. CDRs of the mobile phone of the petitioner shows that she had made last call to the victim. She also had telephonic communications with co-accuseds.

In view of the aforesaid circumstances, her involvement as a conspirator in the crime cannot be ruled out. She does not stand on the same footing with co-accused Sajahan who is on bail.

Under such circumstances, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)