

15.12.2022
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rejected

C.R.M. (DB) No. 4090 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 302/176/201/120B/34 of the Indian Penal Code.

And

In Re : Tapas Nath petitioner

Mr. Robiul Islam
Mr. Raju Mondal

... for the petitioner

Mrs. Zareen N. Khan
Mr. Ashoke Das
Mr. Arup Sarkar

... for the State

Mr. Subrata Bhattacharya
Mr. Indrajit Datta

.... for the de facto complainant

Learned Counsel appearing for the petitioner submits he is in custody for 304 days. It is submitted that he has been falsely implicated. He was not present at the place of occurrence. Co-accuseds are on bail. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with the co-accuseds who are on bail. Petitioner called the victim to the place on occurrence. Thereafter the victim was done to death. Incriminating materials have also been recovered from the petitioner.

We have considered the materials on record. Petitioner called the victim and subsequently he was murdered. Weapon of offence i.e. blood stained stone and mobile phone of the victim were recovered on his leading statement.

In view of the incriminating materials and gravity of the offence, we are of the opinion that the petitioner does not stand on the same footing with the co-accuseds who have been enlarged on bail. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)