

15.12.2022
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rejected

C.R.M. (DB) No. 4108 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 Bhattacharjee
Mr. Kunal Ganguly
Mr. Amitabrata Hait
Mr. Tirupati Mukherjee
... for the petitioner

Mr. Nguive Ahamed, learned APP
Ms. Trina Mitra
... 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 more than 200 days. It is also submitted that he has been falsely implicated. He was not present at the place of occurrence. He stands on the same footing with co-accuseds, Santana Nath and Parimal Tantubai who are on bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits he had assisted co-accused, Tapas Nath to murder the victim. He was present at the place of occurrence. Call data records and latitude and longitude reports show his presence in the place of occurrence.

In response learned Counsel for the petitioner submits these reports are inconclusive. No report with regard to Parimal Tantubai has been placed on record.

We have considered the materials on record. Motive of the crime is an illicit relationship between the deceased and Santana Nath, wife of Tapas Nath. Parimal Tantubai is the brother of the Santana. In the light of the aforesaid motive, complicity of Santana Nath and Parimal Tantubai in the conspiracy to murder the deceased appears to be tenuous. On the other hand, materials on record show the victim was called to the place of occurrence by Tapas Nath, husband of Santana. Petitioner was present with Tapas Nath at the place of occurrence. Electronic records i.e. CDRs and latitude and longitude reports prima facie establish his presence at the place of occurrence.

Under such circumstances we are not inclined to treat the petitioner on par with co-accuseds namely Santana Nath and Parimal Tantubai who have been enlarged on bail.

Keeping in mind the aforesaid incriminating materials implicating the petitioner and the gravity of the offence, 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.)

