

23.12.2022

75

sdas

rejected

C.R.M. (DB) No. 4585 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 450 of 2022 dated 13.08.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Md. Abdul Malek petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Shiladitya Banerjee

Mr. Abhijit Ganguly

.... for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

..... for the State

Mr. Santanu Deb Roy

Mr. Nirupam Dhali

Mr. Dipankar Guha

..... for the de facto complainant

Learned Counsel appearing for the petitioner submits he is in custody for 131 days. It is also submitted that there is no direct evidence connecting the petitioner with the murder. Co-accused, Md. Muntazim Amani is on bail. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner was in frequent communication with the co-accused who murdered the deceased.

We have considered the materials on record. Materials collected during investigation particularly CDRs show frequent

communications between the petitioner and the co-accused who murdered the deceased. He does not stand on the same footing with co-accused with whom only two telephone calls were traced out. Under such circumstances, 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.)