

08.07.2022.

Ct.No. 1

Item No. 4

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CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

C.R.M. (DB) 135 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973, filed on 20.04.2022 in connection with Jaigaon Police Station Case No.18 of 2022 dated 14.01.2022 under Section 302/34 of the Indian Penal Code.

And

In the matter of : **Ekramul Hoque @ Haque.**

...petitioner

Mr. Sourav Ganguly,
Mr. Kallol Nag

...For the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Lukson,
Mr. Saikat Chatterjee

....For the State

Pursuant to the earlier direction, the Investigating Officer is present in Court and the Case Diary has been produced.

It is submitted by the learned counsel for the State that the Case Diary was misplaced and found in the office of the learned counsel for the State. The I.O. shall be more cautious with all case records in future.

The petitioner prays for bail on, inter alia, the ground that the allegation of a conspiracy of murder between the petitioner and the co-accused paramour lady, is based on the evidence of the co-accused and not supported by any independent witness.

The brief facts of the case are that, the petitioner, his paramour and the wife went out on a trip. On the way back, pursuant to hot altercation between the paramour and his wife, he wife was brutally stabbed and has succumbed.

Bail is also sought on the ground that the petitioner does not have any criminal antecedents and also that the charge sheet has been filed.

Having considered the whole gamut of the facts and circumstances of the present case, and having considered the Case Diary, and having heard the submissions on behalf of the State, this Court is of the view that the application for bail must be rejected at this stage.

CRM (DB) 135 of 2022 is dismissed.

Case Diary be returned.

The personal presence of the Investigation Officer, is dispensed with.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)