

10.05.2023
tkm/ct 28
sl no.38

C.R.M. (DB) 1531 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Rampurhat PS case no. 169 of 2022 dated 22.3.2022 under sections 147/148/149/325/326/307/435/436/427/302 IPC

And

In Re : Khairul Sk. & Anr. petitioners

Ms. Karabi Roy
Mr. H Rahaman

..... for the petitioners

Mr. N Ahmed
Ms. Trina Mitra

..... for the State

Mr. Amajit De

..... for the CBI

Petitioner submits his name did not transpire in the FIR. Belatedly, he was falsely implicated in the case.

Learned lawyer for the CBI submits statements of witnesses recorded under sections 161/164 Cr.P.C disclose role of the petitioner in the murder. Electronic evidence i.e. CCTV footage and CDRs also corroborate the ocular version.

We have considered the materials on record. Initially investigation was done by the State police and charge sheet came to be filed. Owing to indifferent investigation, matter was transferred to CBI. Hence, absence of disclosure of the role of the petitioner in the earlier material cannot be considered to be reliable. During investigation at the behest of CBI statements of witnesses were recorded under sections 161/164 Cr.P.C. These witnesses disclosed the role of the petitioner in the murder. Corroborative electronic evidence in the form of CCTV footage and cell tower location report support the prosecution case.

Under such circumstances and in view of gravity of offence,
we are not inclined to grant bail to the petitioner.

Accordingly, prayer of the bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)