

25.04.2023

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rejected

C.R.M. (DB) No. 1673 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Farakka Police Station Case No. 226 of 2022 dated 12.07.2022 under Sections 302/201 of the Indian Penal Code and charge-sheet submitted under Sections 302/201/120B/392/342/347/412/506 of the Indian Penal Code.

And

In Re : Swaran Singh petitioner

Ms. Shabana Hasin

... for the petitioner

Mr. Neguive Ahamed, learned APP

Ms. Trina Mitra

... for the State

Learned Counsel for the petitioner submits he was not present at the place of occurrence. He has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the kingpin who organised the murder. He had telephoned the victim to give lift to the co-accused. They committed murder and stole articles.

We have considered the materials on record. CDRs show telephonic conversations between the petitioner and the victim prior to the incident. There are other materials showing the role of the petitioner in the crime. Co-accused Asadul Sk., who is on bail, was the recipient of the stolen articles and cannot be said to have played a role in the murder.

In view of the principal role played by the petitioner in the alleged crime, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)