

22.08.2023

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rejected

C.R.M.(DB) No. 3126 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 229 dated 27.07.2021 under Sections 120B/201/302 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Chandan Biswas alias Chand Biswas @ Biswspetitioner

Mr. Subhabrata Datta
Ms. Debjani Roy Choudhury
Mr. Aranya Saha

..... for the petitioner

Mr. Amajit De
Mr. Sagar Saha

..... for the CBI

Mr. Palash Bapari

..... for de facto complainant

1.Report filed by the learned Counsel for the CBI be kept on record.

2.Learned Counsel for the petitioner submits there is no direct evidence connecting him with the murder. It is also submitted that weapon of offence had not been recovered and there is no progress in the matter since rejection of bail by this Court.

3. Learned Counsel for the CBI opposes the prayer for bail and submits statements of witnesses show petitioner and co-accused had entered into a conspiracy to murder the victim. Petitioner had received money for such purpose. One day prior to the incident petitioner had called and asked the victim to meet him on the next day. On the next day victim left his residence and was

murdered. Case has been committed to the court of sessions. Bail prayer of petitioner and co-accused have been rejected earlier on merits.

4. We have considered the materials on record. Statement of Smt. Alta Rani Moitra recorded under Section 164 of the Code of Criminal Procedure involves the petitioner in the conspiracy to murder. The witness stated that the petitioner was present and there was discussion with co-accused with regard to doing away with the victim. Petitioner left the spot carrying something which appeared to be a bundle of cash. Statement of wife of the victim shows a day prior to the incident petitioner had told the victim to meet him the next day i.e. 26.07.2021. On the next day victim left his residence but did not return. The post mortem report shows he suffered gunshot injury.

5. In the light of the aforesaid incriminating materials bail prayer of the petitioner had been rejected earlier on merits. Bail prayer of the co-accused Swapan Biswas had also been rejected. Delay in the matter is due to abscondence of co-accused and cannot be attributed to the prosecution. Be that as it may, de facto complainant filed *naraji* petition with regard to discharge of two co-accused. The said co-accused were not named by the witnesses. Petitioner cannot claim on parity with them. Hence, we are not inclined to grant bail to the petitioner.

6. The application for bail is, thus, rejected.

7. We request the learned Magistrate to dispose of the petition of the de facto complainant at the earliest and take

necessary steps for commitment of the case to the court of sessions.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)