

16.08.2023

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rejected

C.R.M.(DB) No. 3213 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bongaon Police Station Case No. 396 of 2023 dated 25.04.2023 under Sections 302/379 of the Indian Penal Code.

And

In Re : Moumita Saha petitioner

Mr. Susnigdho Bhattacharyya

Ms. Bidisha Chakraborty

Ms. Laxmi Das

....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

..... for the State

1. Learned Counsel for the petitioner submits that she is a lady. She did not have motive to commit the crime. She is in custody for 103 days. Investigation is complete. She prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is a conspirator with the principal accused, Ananta Saha. Principal accused is absconding. Bus ticket recovered in the course of investigation shows she accompanied the principal accused to the place of occurrence. Her scarf was used to commit the murder.

3. We have considered the materials on record. Case is based on circumstantial evidence. Call Detailed Records (CDRs) show telephonic communication between the petitioner and Ananta Saha prior to the incident. Bus ticket recovered during investigation also corroborate the prosecution case that she had

gone to the place of occurrence. Her scarf had been utilised to commit the crime. Principal accused is absconding. Under such circumstances, we do not consider it prudent to enlarge the petitioner on bail.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)