

16.08.2023

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rejected

C.R.M.(DB) No. 3219 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 385 of 2022 dated 15.05.2022 under Sections 447/342/363/365/506/323/120B/34 of the Indian Penal Code.

And

In Re : Neshbaul @ Mesbaul @ Rintu .... petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Tapan Datta Gupta

Mr. Parvej Anam

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

..... for the State

1. Learned senior Counsel for the petitioner submits that the police report does not reflect the Call Detailed Records (CDRs) between the petitioner and co-accused. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. While rejecting the bail prayer of the petitioner in June, 2023 it was noted that the Call Detailed Records (CDRs) show telephonic conversations between the petitioner and co-accused. On such premise we distinguished the role of the petitioner from others who were on bail. Under such circumstances, we are unable to accept the submission of the learned senior Counsel for the

petitioner that the Call Detailed Records (CDRs) had not been collected in the course of investigation. Certification of the said records and their credibility are matters of evidence which may be gone into in the course of trial. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

5. Trial court is requested to consider the issue of framing of charge at the earliest without granting unnecessary adjournment to either of the parties.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**