

20.09.2023
Sl. No.41
akd
[Rejected]

C. R. M. (DB) 3663 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Dholahat Police Station Case No.154 of 2023 dated 12.04.2023 under Sections 302/201/120B of the Indian Penal Code. (G.R. Case No.777 of 2023)

And

In Re: ***Nasiruddin Sha***

... .. Petitioner

Mr. Amartya Ghose
Mr. Souryadeep Ghose
Mr. Sirdhathya Paul
Mr. Satyajit Senapati

... .. for the petitioner

Mr. Soumyajit Das Mahapatra

... .. for the de-facto complainant

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is the husband of the deceased. He was residing at Bangalore on the date of occurrence. Allegation of conspiracy is based on vague and non-specific materials. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had conspired with co-accused to murder his first wife. Fifteen phone calls were made on the date of occurrence. He also paid money to co-accused which is evident through money transfers between them.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. It is true petitioner was not present at the place of occurrence. Allegation against him is one of conspiracy. Materials show frequent phone calls between

petitioner and co-accused on the date of occurrence. There is nothing on record to show they ordinarily made frequent phone calls to each other. Money transfers have also been established between the petitioner and co-accused. Statement of the minor son discloses the role of co-accused in the rape and murder. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)