

11.10.2023.
16.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3832 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P. S. Case No.211 of 2023 dated 25.04.2023 under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Hajarat Sekh.**

... Petitioner.

Mr. Ayan Bhattacharyya,
Mr. Sagar Saha.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kuutubuddin.

...for the State.

1. Petitioner is in custody for 165 days. He submits there is no direct evidence connecting him with the murder. He prays for bail.

2. Learned Advocate for the State opposes the prayer for bail. He submits petitioner and his associate had been hired by the husband of the deceased to murder her. Motor cycle used to commit the crime belonged to the mother of co-accused who was with the petitioner. CCTV footage from the nearby highway has also been seized.

3. In reply, learned Advocate for the petitioner submits identity of his client is not clear from the said footage.

4. We have considered the materials on record. Husband of the deceased had entered into a conspiracy with petitioner and co-accused to murder his wife. He expressed such intention to his in-laws. Impression from

the footage shows while the couple were travelling down the highway on the relevant date. Soon thereafter a motor cycle with two persons followed them. It is said that the said motor cycle is registered in the name of the mother of co-accused. Witnesses have identified the petitioner from the CCTV footage.

5. Under such circumstances, we are of the opinion this is not a fit case to grant bail to the petitioner.

6. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)