

29.01.2024
Item No.33
Court No.28
CHC
rejected

C.R.M.(DB) No. 161 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 416 of 2023 under Sections 302/201 of the Indian Penal Code.

In Re : Meherul Hoque

Mr. Musharraf Alam Sk.
Mr. Sujoy Sarkar,
Ms. Susmita Ghorai
.....for the petitioner

Mr. Ranabir Ray Chawdhury,
Mr. Shiladitya Banerjee
..... for the State

1. Learned Counsel for the petitioner submits that petitioner is in custody for more than 141 days. He contends that he has been falsely implicated. Co-accused named in the FIR have been screened by the investigating agency. In view of the aforesaid submission we directed the Investigating Officer to be present and submit report with regard to the investigation conducted vis-à-vis allegations in the First Information Report.
2. Report is placed on record.
3. We have considered the materials on record. Allegations in the FIR show that the victim had gone

to his shop. Thereafter, he went missing. Son of the victim received phone calls demanding ransom to recover his father. Subsequently, dead body of the victim was recovered. During investigation it transpired the SIM Card standing in the name of the deceased was used from a mobile phone IMEI number of which correlates to that of the petitioner. These are prima facie materials which show involvement of the petitioner in the crime. The statement of the petitioner recorded before police does not disclose the complicity of the other FIR named accused.

4. Under such circumstances, we are unable to accede to the plea that petitioner has been falsely implicated. Hence, we are not inclined to grant bail to him.
5. The application for bail is, thus, rejected.
6. Personal appearance of the I.O. stands dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)