

20.03.2024

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rejected

C.R.M.(DB) No. 874 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 456 of 2023 dated 11.12.2023 under Sections 302/201 of the Indian Penal Code.

And

In Re : Prokash Jaiswal @ Biki Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Loboni Sikder

....for the petitioner

Mr. Ashok Das

..... for the State

1. Learned Counsel for the petitioner submits there is no direct evidence connecting him with the alleged crime. He has been falsely implicated. He prays for bail.

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

3. We have considered the materials on record. A truck bearing various articles was way laid. Driver was murdered and a portion of the consignment was stolen. Though there is no direct evidence showing petitioner was present in the truck with the deceased prosecution has relied on electronic evidence to trace the petitioner's movement and access to the victim. GPS tracker system in the vehicle shows the route of the vehicle recorded in the CDR of the mobile phone of the petitioner. This

prima facie traces the presence of the petitioner in the moving truck which was driven by the deceased. Pursuant to the statement of the petitioner incriminating articles i.e. weapon of offence and other articles were recovered from the joint possession of the petitioner and co-accused.

4. In view of the incriminating materials on record and 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)