

29.04.2024
tkm/ct 28
sl no. 18

C.R.M. (DB) 936 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Joynagar P.S case no. 501 of 2023 dated 13.11.2023 under section 302/34/120B IPC and sections 25/27 of the Arms Act

And

In Re : Anichur @Anichur Rahaman Laskar petitioner

Mr. Arnab Sinha

..... for the petitioner

Mr. Debasish Roy, Id PP

Mr. Jaydeep Biswas

Ms. Madhumita Basak

..... for the State

1. Petitioner is in custody for 146 days. He submits he has been falsely implicated. He played no role either in the conspiracy or in the murder.
2. Learned public prosecutor opposes the bail prayer. He contends statements of witnesses show petitioner along with others had a meeting where they decided to do away with the deceased who had protested against illegal sand business conducted by the petitioner. Pursuant to the conspiracy, some of the accused came in motorcycles and shot the victim dead. While trying to flee away, they dashed against another vehicle and were caught. One of them (Saifuddin Laskar) was murdered at the spot. Version of these witnesses with regard to participation of the petitioner in the conspiracy is corroborated by CDRs showing telephonic conversations between the petitioner and other co-accused. Furthermore, latitude-longitude report with regard to location of the mobile phone used by the petitioner corroborates the statements of witnesses with regard to his presence at the conspiracy site.
3. In response learned counsel submits the place of conspiracy is a market place and it cannot be ruled out that the petitioner was present for other purposes.

4. We have considered the materials on record in light of the submissions made by the parties. One Saifuddin objected to the illegal mining business of Anichur. In protest, shop rooms of co-accused Robiul Sardar an associate of the petitioner, were shut down in the locality. As per prosecution case petitioner along with others had a meeting in the evening of 12.11.2023 where they decided to do away with Saifuddin Laskar. Mojammel Mistry stated he had seen the petitioner and others hold a meeting where such decision was taken. His version is corroborated by Chammad Mallick and Nasiruddin Sardar. CDRs show repeated telephonic conversations between the petitioner and other co-accused. Latitude-longitude report also corroborates his presence at the conspiracy site. It is argued the conspiracy site is a market place. Presence of the petitioner may be for other innocuous reasons. This defence does not hold water in light of the statements of independent witnesses and other circumstances establishing conspiracy. Moreover, Motorcycle used by the assailants belongs to his son.
5. In view of the aforesaid incriminating materials on record and gravity of offence, we are not inclined to grant bail to the petitioner.
6. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)