

29.04.2024
tkm/ct 28
sl no. 19

C.R.M. (DB) 937 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 : Jakir Dhali @Jakir Hossain Dhali petitioner

Mr. Arnab Sinha
Mr. A R Bhattacharya
Mr. Argha Banerjee

..... for the petitioner

Mr. Debasish Roy, Id PP
Mr. Bibaswan Bhattacharya
Mr. Karan Bapuli

..... 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. He prays for bail.
2. Learned public prosecutor opposes the bail prayer. He contends statements of witnesses show petitioner along with principal conspirator Anichur Laskar and others had a meeting where they decided to do away with the deceased who had protested against illegal sand business conducted by Anichur. 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. Statements of 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

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 Anichur were shut down in the locality. As per prosecution case Anichur Laskar along with others including the petitioner had a meeting in the evening of 12.11.2023 where they decided to do away with Saifuddin Laskar. Mojjammel Mistry stated he had seen the petitioner and others held a meeting where a decision was taken. 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 the light of the statement of the independent witness and other circumstances establishing conspiracy. On the leading statement of the petitioner, photograph of the deceased was recovered which fortifies his role in the conspiracy and murder.

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.)