

30.04.2024
Sl. No.23
akd
[Rejected]

C. R. M. (DB) 998 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.03.2024 in connection with Nalhati Police Station Case No.135 of 2023 dated 24.04.2023 under Sections 302/34/120B of the Indian Penal Code. (G.R. Case No.568 of 2023)

And

In Re: ***Tarak Nath Karmakar @ Taraknath Karmakar***
... .. Petitioner

Md. Sabir Ahmed
Mr. Jahangir Hossain
... .. for the petitioner

Ms. Zareen N. Khan
Ms. Madhumita Basak
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year. It is further submitted his presence at the place of occurrence has not been established. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner along with other co-accused viz. Rajesh Sk. Gora Khan and Sukhen Karmakar were seen taking liquor. They were also seen entering the lodge where the victim was murdered.
3. We have considered the materials on record. Statements of witnesses show petitioner was seen along with Gora Khan, Rajesh Sk. and another taking liquor and discussing the plan to enter the room of the deceased. They were also seen going upstairs in the lodge where the deceased was residing. Tower location as per Call Detail Records (CDRs) collected during investigation corroborates the statements of witnesses. From these materials it is clear petitioner was present along with co-accused at the time of murder. He does not stand on the same footing with co-accused viz. Md. Nurul Mortoja @ Rajesh Master and Abu Kader Mondal who have

been enlarged on bail. Offences, if proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)