

42. 12.08.2024
Court
No.6 (Tanmoy)

Rejected

CRM (DB) 2327 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Joynagar Police Station Case No. 501/2023, dated 13.11.2023.

And

In the matter of: - **Kamaluddin Dhali @ Kamal Dhali**

...petitioner.

Mr. Arindam Jana

...for the petitioner.

Mr. Debasis Roy, Ld. PP

Ms. Anasuya Sinha, Ld. APP

Mr. Sachit Talukder

...for the State.

1. Learned lawyer for the petitioner contends petitioner is in custody for over 250 days. There is no direct evidence connecting him with the murder. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer and submits petitioner is one of the conspirators to the crime. He and others conspired to murder the victim. CDRs show telephonic conversations between petitioner and co-accused. Latitude-longitude report with regard to location of the mobile phone of the petitioner also supports the prosecution case that he was present with co-accused at the site of conspiracy.
3. We have considered the materials on record. It is the prosecution's case that petitioner and others had a meeting to do away with the victim who had protested against illegal sand mining. CDRs show telephonic conversations between petitioner and co-accused whose bail prayer has been turned

down. Latitude-longitude report also shows the presence of the petitioner at the place where the conspiracy was hatched.

4. On the basis of the aforesaid incriminating materials bail prayer of co-accused has been rejected on the same ground, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.
6. We request the Trial Court to fix date for considering the issue of framing of charge at the earliest and in the event charge is framed, to take the proceedings to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)