

17.01.2024
SL No.27
Ct No. 28
SB/s.biswas
(Rejected)

C.R.M. (DB) 4702 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Adra P.S. Case No. 51 of 2023 dated 23.06.2023 under Section 302/307/120B/34 of the Indian Penal Code.

And

In the matter of: Md. Jamal

....Petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Dr. Debabrata Karan
Mr. Debapriyo Karan

...for the Petitioner

Mr. Swapan Banerjee
Mr. Goutam Banerjee

...for the State

1. Petitioner contends there is no direct evidence connecting him to the murder. Allegation of conspiracy is based on surmises & conjectures. He is in custody for seven months. He may be released on bail.
2. Learned counsel for the State opposes the prayer for bail. He submits there are materials to show that the petitioner had business rivalry with the deceased Dhananjoy Chowbey. He had conspired to commit murder. Bail prayer of the co-accused had been rejected earlier. Trial is in progress.
3. We have considered the materials on record. Petitioner is alleged to have conspired the murder of his business rival Dhananjoy Chowbey. Statement shows there was rivalry between the two over railway syndicate business. Statement of one Sonu Singh discloses the fact that the petitioner

requested him to supply information regarding the movements of the deceased. Statement of co-accused recorded under Section 164 of the Cr.P.C. shows there was a meeting between the petitioner and co-accused, where the conspiracy to murder was hatched. Trial has commenced.

4. In view of the aforesaid materials on record and gravity of offence we are not inclined to grant bail to the petitioner at this stage.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)