

May 06, 2025
23 ARDR
(Rejected)

CRM (DB) 848 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with **Pukhuria**
Police Station Case No. **416** of **2023** dated **13/9/2023** under
Sections **364A/302/201/34** of the Indian Penal Code.

And

In Re : Meherul Hoque

... Petitioner.

Adv. Niladri Sekhar Ghosh,
Adv. Tapadip Gupta,

... for the petitioner.

Adv. Zareen N. Khan,
Adv. Dattatriya Dutta,

... for the State.

The petitioner is in custody for one year and eight months and prays for bail. Learned counsel for the petitioner submits that the only evidence against the petitioner is that the SIM card of the deceased was used from the mobile phone of the petitioner. Learned counsel submits that the mobile phone of the petitioner was recovered after the petitioner was taken into custody and probability of subsequent insertion of the SIM therein cannot be ruled out.

Learned counsel for the defacto complainant filed a *Naraji* application against the charge sheet submitted by the Investigating officer, implicating several other persons in the alleged offence. The application was allowed and further investigation directed.

Learned counsel for the State opposes the prayer and submits that besides the SIM of the deceased being found in the mobile phone used by the petitioner, the offending weapon has also been recovered from the possession of the petitioner. Witnesses examined by the prosecution in course of investigation have implicated the petitioner in the murder.

I have considered the material on record. It appears that after the deceased went missing, his son received a ransom call over telephone and dead body of the deceased was recovered thereafter. The offending weapon has been recovered from the possession of the petitioner. Petitioner's mobile phone contained SIM card of the deceased and amount of Rs.40,000/- has also been transferred from the bank account of the deceased to the rummy account of the petitioner.

Charge sheet has been submitted upon completion of further investigation. Bail prayer of the petitioner was turned down by this Court earlier considering the material on record. Sufficient incriminating material having transpired against the petitioner *prima facie* suggesting involvement of the petitioner in the crime, prayer for bail is rejected at this stage.

The application for bail is disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)