

**10.04.2025**

Item No.63

Ct.No.34

rc.

**Rejected**

**C.R.M. (M) 85 of 2025**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhatpara Police Station Case No. 525 of 2024 dated 05.09.2024 under Sections 85/80(2)/103(1) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Tapas Sarkar**

... Petitioner

Mr. Moyukh Mukherjee

Mr. Abhijit Singh

Mr. Santu Das

Mr. Samrat Mandal

Mr. Rohit Guhathakurata

... for the Petitioner

Mr. Bitasok Banerjee

Ms. Rajnandini Das

... For the State.

The petitioner is in custody for less than a year.

Learned counsel for the petitioner submits that the petitioner was away from the place of occurrence at the time of the alleged incident and cannot be connected to the alleged occurrence. The witnesses have unanimously stated that the petitioner was informed about the incident at his place of work after which he returned home.

Vehemently opposing the prayer, learned counsel for the State submits that the postmortem report indicates that the death was due to manual strangulation and one electric

wire and towel (Gamchha) were recovered from the house of the petitioner pursuant to his leading statement.

Several witnesses have implicated the petitioner in the alleged offence.

I have considered the material on record. Postmortem report of the victim demonstrates that the death was due to manual strangulation. The electric wire and the towel (Gamchha) were recovered at the behest of the petitioner. Statements recorded under Sections 164/161 of the Code of Criminal Procedure implicate the petitioner in the alleged offence.

Considering the nature and gravity of the offence as well as the evidence collected during investigation linking the petitioner to the offence, prayer for bail is rejected at this stage.

The application is disposed of.

Case Diary is 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.)**