

CRM (A) 1014 of 2022

02.03.2022
Sl. 07
Court No.29
suvayan
(Rejected)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kultali** P.S. Case No. **166/2018** dated **08/03/2018** under Sections **302/201** of the Indian Penal Code which ended up in the charge-sheet No.**64/2019** dated **06/02/2019** under Sections **302/201** of Indian Penal Code.

And

In the matter of: Tajmira Sardar & Anr.

....petitioners.

Mr. Angshuman Chakraborty

... for the petitioners.

Mr. Madhusudan Sur
Mr. Dipankar Pramanik

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that out of six accuseds against whom the charge-sheet was filed, two were enlarged on bail and two others were granted anticipatory bail. He submits that two persons were granted anticipatory bail by the jurisdictional Court on July 18, 2019 and the petitioners stand on the same footing.

Learned Advocate appearing for the State submits that the police case was registered on March 8, 2018 and after completion of investigations, charge-sheet was submitted on February 6, 2019 *inter alia* under Sections 302 and 201 of the Indian Penal Code. The petitioners were absconding for the entirety of the period of time from the date of the incident.

Considering the long absconsion of the petitioners, we are of the view that the petitioners are not standing same footing with that of the two persons who were granted anticipatory bail by the jurisdictional Court on July 18, 2019. Significantly, the police case is of March 8, 2018. Two other co-accuseds who

were granted anticipatory bail approached to the jurisdictional Court and obtained such order on July 18, 2019. More than two years elapsed since then. In view of the conduct of the petitioners, we are unable to accept the contention of parity of the petitioners with the persons who were granted anticipatory bail by the jurisdictional Court.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioners.

The application for anticipatory bail, being CRM (A) 1014 of 2022, is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

