

26.07.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3519 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nazat** Police Station Case No. **139** of **2019** dated **08.06.2019** under Sections 147/148/149/325/326/302 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act, 1959.

And

In Re : Sushanta Mondal

..... petitioner

Mr. Siddhartha Sarkar

....for the petitioner

Ms. Anasuya Sinha

Ms. Jonaki Saha

....for the State

Petitioner prays for anticipatory bail on the ground of parity with the other co-accused, who were enlarged on anticipatory bail.

In particular, the petitioner relies upon the order dated February 16, 2022 granting anticipatory bail to other co-accuseds.

State is represented.

The police case is of June 8, 2019.

Anticipatory bail to the other co-accuseds were granted on February 16, 2022 considering that five other co-accused were granted anticipatory bail in two other petitions for anticipatory bail.

A period of more than five months elapsed since the last the order of grant of anticipatory bail. The petitioner is unable to explain the delay. The police case is of 2019.

In such circumstances, we are of the view that the petitioner cannot be extended the benefit of parity with the other co-accused in view of his long absconsion.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 3519 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)