

17.10.2023.
34.
Ct.No.28
As
(Rejected)

C.R.M. (DB) 4066 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar P. S. Case No.435 of 2018 dated 23.08.2022 under Sections 363/365/325/326/307/364A/120B of the Indian Penal Code.

In the matter of : **Tuhin Sardar @ Tuhin Rahaman Sardar.**

... Petitioner.

Mr. Kalyan Kr. Bhattacharjee,
Ms. Sahina Khatun.

...for the Petitioner.

Mr. Joydeep Roy, ld. Jr. Govt. Adv.,
Mr. Amanul Islam.

...for the State.

1. Petitioner submits co-accused are on bail. Accordingly, he prays for bail on parity.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for five years. This caused delay and co-accused were enlarged on bail after four years of detention. Offences involve kidnapping for ransom and murderous assault.

3. We have considered the materials on record. Petitioner had absconded for five years. This resulted in delay. Co-accused were released on bail after detention for more than four years. After having absconded for five years petitioner cannot claim parity with co-accused who are on bail. Allegations are grave and there are materials implicating the petitioner in the crime. Possibility of his abscondence, if released on bail, is extremely high.

4. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the Trial Court to conduct the trial with utmost expedition and conclude the same at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)