

02.04.2024
Sl. No.42
akd
[Rejected]

C. R. M. (DB) 963 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.03.2024 in connection with Raninagar Police Station Case No.374 of 2021 dated 16.08.2021 under Sections 341/325/326/307/302/120B/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

And

In Re: **Tahasin Sk.**

... .. Petitioner

Mr. Arindam Jana
Mr. Debapratim Guha
Ms. Anchita Sarkar

... .. for the petitioner

Ms. Zareen N. Khan
Ms. Rita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with the co-accused who have been enlarged on bail. PW 1 stated petitioner was present at the place of occurrence. PWs 3, 4, 5 & 6 deposed petitioner was carrying a bag containing bombs.
3. In rebuttal, learned Advocate for the petitioner submits injured witnesses have not named his client.
4. We have considered the materials on record. PW 1 stated petitioner was present at the place of occurrence. Other witnesses i.e. PWs 3, 4, 5 & 6 stated petitioner was carrying a bag containing bombs. No such imputation was made against the co-accused who are on bail. Hence, petitioner cannot claim parity with the said co-accused. Trial

is in progress. Prosecution assures this court that trial shall be completed within eighteen months from the next date fixed for recording evidence subject to cooperation by the defence and other systemic reasons. Offences, if proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.
6. Trial court is directed to expedite the trial in the light of the assurance given by the prosecution. Parties shall cooperate with the trial court in that regard.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)