

23.04.2024
Item No.31
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1295 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chandrakona** Police Station Case No. **73/2009** dated **23.07.2009** under Sections **147/ 148/ 149/ 326/ 307/ 302/ 201** of the Indian Penal Code and Sections 25/27 of the Arms Act and Charge Sheet being Charge Sheet No.119 of 2014 dated 14.05.2014 submitted under Sections 147/148/149/326/307/302/201 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : Swapan Ghosh

..... petitioner

Mr. Bikash Ranjan Bhattacharya, Ld. Sr. Advocate
Mr. Kallol Kr. Bose,
Mr. Anindya Sundar Das,
Mr. Jannat Ul Firdous,
Mr. Debapriyo Samanta,
Ms. Paramita Mondal
....for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Soumen Chatterjee
....for the State

Supplementary affidavit filed in Court be taken on record.

Petitioner renews the prayer for anticipatory bail.

Learned advocate appearing for the petitioner submits that, petitioner stands on the same footing as that of other co-accused whose renewal prayer of anticipatory bail was allowed by the co-ordinate Bench on June 26, 2014 passed in CRM No.3228 of 2014.

Claim for parity is an issue which is required to be decided by the Court which is considering such claim.

In the facts and circumstances of the present case, the police complaint is dated July 23, 2009.

This is the second application for anticipatory bail with the first being rejected. The other co-accused who were granted anticipatory bail was on June 26, 2024. Period of 10 years lapsed since such an order. On the basis of long absconsion, petitioner cannot be said to be similarly placed or situated as that of such other co-accused.

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

This application for anticipatory bail is, thus, rejected.

CRM(A) 1295 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)