

SC No. 712(11)2025 (R-712/2025)

Present : Smt. Sushmita Gayen

Order No. 14 dtd. 07.02.2026

J.O. Code WB00823

Today is fixed for hearing of the bail application filed by accused **Kuldeep Singh**.

The said application is taken up for hearing in the presence of Learned Advocate on behalf of the accused/applicant and the Learned Spl. P.P.

The Learned Advocate on behalf of the accused submits that this accused Kuldeep Singh is not the principal accused and that police arrested this accused from his place of service at Jamnagar, Gujrat. That the accused did not participate directly or indirectly in the act of homicide. He impresses upon this court that, even if the prosecution case is taken on its face value, in that event also, the allegation only involves post occurrence assistance. He further submits that trial has already commenced and most of the vital witnesses have been examined. He harps on the point that the father of the principal accused has already been enlarged on bail and this accused is the maternal uncle of the principal accused. He canvasses on the point that when one accused has been enlarged on bail and this accused is standing on identical rather better footing then denial of bail amounts to hostile discrimination attracting the principle of parity. He argues that the present accused is in custody for more than 5 months and tries to convince the court that continuous incarceration amounts to pre-trial punishment. He submits that the applicant is an employee of Indian Air Force and there is no possibility of absconding or tampering with evidence. He convinces this court that the allegations levelled against this accused is not punishable with death or life imprisonment and hence continuous detention is neither necessary nor justifiable. He submits that the applicant/accused undertakes to appear before the Learned Court on each and every date of trial. He further submits that no bail application is pending before any higher authority. He therefore prays for bail on any terms and conditions.

The Learned Spl. P.P. appearing on behalf of the State of West Bengal opposes the prayer for bail and submits that the principal accused was apprehended from Nepal Border when he was trying to cross the border by using fake Aadhaar Card and that the fake Aadhaar Card was procured by this accused/applicant. He submits that, there is sufficient materials in the CD against this accused. He further submits that this accused is not standing on the same footing as that of the accused who has been enlarged on bail by the Hon'ble High Court. He argues that since this accused stays at Jamnagar, Gujrat, so there is every possibility of this accused evading trial and tampering with evidence.

Heard both sides. Considered.

The allegation levelled against this accused is that he had procured fake Aadhaar Card for the principal accused so that the principal accused could escape to Nepal and thus aiding the accused to evade the course of trial.

The Learned Advocate on behalf of the applicant submitted that evidence of the principal witnesses has already been recorded but this is not true for the case of the applicant as the witnesses who will depose as to the involvement of the accused in this case their evidence has not been completed as of yet. Hence, in my considered view there is every possibility of tampering with evidence as the fake Aadhaar Card as alleged was procured from outside this State.

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Admittedly, the accused does not reside within the jurisdiction of this court and if after being enlarged on bail, the accused moves out of the State and does not appear before the court on the dates fixed for trial then the entire trial will be stalled because of this accused.

It is within my knowledge that detention at the stage of trial is not punitive in nature but is aimed only to aid investigation and trial and since it is clear from the record that the accused does not reside within the jurisdiction of this court and the witnesses who will depose in respect of the involvement of the accused in this case has not been examined as of yet, hence in my considered view, there is every possibility of tampering with evidence and as such, I am not inclined to allow the prayer for bail.

Ergo, the prayer for bail is considered and **rejected** at this stage.

To date.

D/c by me

Sd/- S. Gayen

**Additional Sessions Judge,
4th Court, Krishnagar, Nadia**

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4th Court, Krishnagar, Nadia**