

**C.R.M. 6428 of 2020
(I.A. CRAN 01 of 2020)**

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.08.2020 in connection with Jalangi P.S. Case No. 499 of 2019 dated 19.07.2019 under Sections 302/34 of the Indian Penal Code.

And

In the matter of: Suraj Sk

Mr. Somenath Adhikary
... for the Petitioner

Allowed

Mr. Saibal Bapuli
... for the State

The petitioners undertake to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

CRAN 1 of 2020 is, accordingly, disposed of.

Learned counsel appearing on behalf of the petitioner submits that the petitioner stands on the same footing as the co-accused Dabir Sk @ Sekh Dabir. A coordinate Bench of which one of us was a member (Soumen Sen, J.), granted bail to the said Dabir Sk @ Sekh Dabir.

The petitioner has been roped in for committing offence under Sections 302/34 of the Indian Penal Code along with his son Sahin Sk. who, according to the memo of evidence, is the principal accused.

It is submitted by the learned advocate for the petitioner

that the petitioner is in custody for about one year. Charge sheet has been filed. Therefore, he may be released on bail.

Learned counsel appearing for the State, on the other hand, strenuously urged that the petitioner is a prime accused.

On perusal of the memo of evidence, it is ascertained that the offending weapon was recovered from the house of accused Sahin Sk., son of Dabir Sk.

Considering the entire materials on record, the memo of evidence and on the ground of parity, we are of the view that the petitioner should be enlarged on bail at this stage.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000 (Rupees Ten Thousand only) with one surety to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, Murshidabad with further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure and on condition that the petitioner shall appear before the learned court below on all future dates of trial.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Jay Sengupta,J.)

(Soumen Sen, J.)