

09.12.2020
Sl. No.42
akd
[ALLOWED]

C. R. M. 10085 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.12.2020 in connection with Md. Bazar Police Station Case No. 44 of 2020 dated 09.02.2020 under Section 376D of the Indian Penal Code. (G.R. Case No.149 of 2020)

And

In Re: **Moni Sk. @ Monirul Sk. @ Maniruddin Sekh**
... .. Petitioner

Mr. Bitasok Banerjee .. Advocate
... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor
Mr. Parthapratim Das .. Advocate
Mrs. Manasi Roy .. Advocate
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 302 days. It is further submitted that co-accused has been enlarged on bail by a coordinate Bench of this court.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner and others gangraped the victim.

We have considered the materials on record. Although allegations are grave, in view of the fact that co-accused has been enlarged on regular bail and no steps have been taken on behalf of the prosecution to cancel such order, we are constrained to extend the same privilege to the petitioner also on principles of parity.

Therefore, the accused/petitioner, namely **Moni Sk. @ Monirul Sk. @ Maniruddin Sekh**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Suri, Birbhum subject to condition that the said petitioner shall appear before the trial court on every date of

hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)