

29.09.2021
Item no.61.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3372 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 13.04.2021 in connection with Jalangi Police Station Case No.254 of 2017 Dated 24.3.2017 under Sections 341/325/326/308/506/302/34 of the Indian Penal Code

And

In the matter of : Rahaban Sarkar @ Rahaman Sarkar

.....Petitioner.

Mr. J. I. Hossainfor the Petitioner.

Mr. Binay Kr. Panda,
Ms. Pushpita Sahafor the State.

The petitioner renews his prayer for bail, which was rejected by an order dated January 27, 2020 in CRM No.958 of 2020.

The petitioner says that he is in custody for about one year and eleven months. He stands on the same footing as one Bapu, who has been enlarged on bail by this Court. The petitioner and Bapu both were named in the injury report.

We have seen the material in the case diary. On an overall assessment of the material on record and the facts and circumstances of the case, it appears that the petitioner is similarly circumstanced as Bapu, who has been enlarged on bail

by this Court. On the ground of parity, we are inclined to enlarge the petitioner on bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely Rahaban Sarkar @ Rahaman Sarkar shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

