

CRM 7116 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **26.10.2021** in connection with **Teherpur** P.S. Case No. **42/2021** dated **05.03.2021** under Sections **363/326/302/34** of the Indian Penal Code.

And

In the matter of: **Sourav Das & anr.**

....Petitioners.

Ms. Sananda Bhattacharya

...for the Petitioners.

Mr. Binoy Panda

Ms. Pushpita Saha

Mr. S.Bhakat

...for the State.

The petitioners renew their prayer for bail. It is submitted that the petitioners were not riding the motorcycle which had run over the deceased. Co accused, Rajib Das has been enlarged on bail. The petitioners are in custody for 249 days.

Learned lawyer for the State opposes the prayer for bail and submits that their prayer for bail was rejected earlier.

We have considered the materials on record including the statement of Sudipta Biswas, recorded under Section 164 of the Cr.P.C. It appears from the said statement that the motorcycle, which Debjit and the victim girl, Sudipta Biswas were riding, had run over the deceased. From the FIR it appears that the petitioners were riding a different motorcycle. Co accused, Rajib Das who was also riding the other motorcycle with the petitioners, has been enlarged on bail.

In such circumstances, on principle of parity, we are inclined to grant bail to the petitioners.

Let the petitioners be released on bail upon furnishing a bond of Rs. 10,000/-, each with two sureties of like amount each, one of whom must be local, to the satisfaction of the

Learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that the petitioners shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)