

24.03.2022

82

Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 508 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jagatballavpur** Police Station Case No. **103** of **2020** dated **09.07.2020** under Sections 302/201/34 of the Indian Penal Code, 1860.

And

In Re : Subir Manna @ Bhombol @ Bhambol Manna
@ Bhombal

..... petitioner

Mr. Milon Mukherjee

Mr. D. Dutta

.....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

....for the State

Petitioner renews the prayer for bail.

Learned senior advocate appearing for the petitioner submits that, co-accused standing on the same footing granted bail by this Hon'ble Court on December 20, 2021 passed in CRM 8483 of 2021.

Learned advocate appearing for the State does not dispute the contention that the petitioner stands on the same footing as that of the other co-accused, who was granted bail on December 20, 2021 passed in CRM 8483 of 2021. He, however, points out that this is the third application for bail.

The last order for grant of bail is dated December 20, 2021 to the co-accused. The petitioner did not pray for bail subsequently, which stood rejected. Therefore, the petitioner

can justifiably claim parity with regard to the other co-accused who was granted bail on December 20, 2021 as the point of parity is not being disputed.

In such circumstances, we enlarge the petitioner on bail on the ground of parity.

Accordingly, we direct that the petitioner 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, Howrah**, subject to the condition that 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 appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)