

10.03.2022
Serial no. 40
Aloke
Ct. No. 29

CRM (DB) 640 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2022 in connection with Malipanchghora P.S. Case No. 35 of 2021 dated 27.02.2021 under Sections 302/506/120B of the Indian Penal Code and Sections 25(1B)/27 of the Arms Act.

-And-

**In the matter of: Nehal Ali Ansari @ Nehal Ansari @ Manu
... ...Petitioner**

Mr. Minol Mukherjee, Sr. Advocate

Mr. Biswajit Manna, Advocate

... ... For the Petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Paramanick, Advocate

... ...For the State

Petitioner renews the prayer for bail on the ground of parity.

Learned Senior Advocate appearing for the petitioner submits that although the prayer for bail was rejected on October 7, 2021 in CRM 5310 of 2021, the Coordinate Bench in CRM (DB) 60 of 2022 granted bail to the co-accused on February 18, 2022. The petitioner stands on the same footing as that of such co-accused who was granted bail by the Coordinate Bench.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure as well as under Section 164 of the Code of Criminal Procedure which does not name the petitioner herein nor does it name the co-accused who was granted bail by the Coordinate Bench. The statement recorded under Section 161 of the Code of Criminal Procedure names the petitioner and the other co-accused who was granted bail by the Coordinate Bench.

Consequently, we are of the view that the petitioner can justifiably claim parity with that of the co-accused who

was granted bail by the Coordinate Bench on February 18, 2022. Moreover, the period of detention of the petitioner is 375 days and is greater than the co-accused who was granted bail. The police filed charge-sheet.

In such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Howrah, subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate 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 in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 640 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)