

05.04.2022
Serial no. 41
Aloke
Ct. No. 29

CRM (DB) 813 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2022 in connection with Titagarh P.S. Case No. 548 of 2020 dated 05.10.2020 under Sections 302/120B/34/212/201 of the Indian Penal Code read with Sections 25/27 of Arms Act.

-And-

**In the matter of : Irsad Ali @ Irshad Ali @ Gulab
... ...Petitioner**

Mr. Kallol Mondal, Advocate
Mr. Krishan Ray, Advocate
Mr. Souvik Das, Advocate
Ms. Anamitra Banerjee, Advocate

... ... For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Mashusudan Sur, Id. APP
Mr. Dipankar Paramanick, Advocate

... ...For the State

Petitioner prays for bail on the ground of parity with that of the co-accused who was enlarged on bail by the Coordinate Bench on February 3, 2022 in CRM 2555 of 2021. Learned Advocate for the petitioner submits that the petitioner is in custody for about 547 days. He refers to the charge-sheet and submits that it is alleged as against the petitioner that he was reporting to Khurram Khan who was granted bail by the Coordinate Bench with regard to the movement of the victim. Since Khurram Khan was granted bail by the Coordinate Bench, the similar facility should be extended to the petitioner.

Learned Public Prosecutor appearing for the State submits that the petitioner along with others played their roles in the incident of murder. The petitioner was collecting informations with regard to the movement of the victim and passing such informations to Khurram Khan. The

informations supplied by the petitioner ultimately resulted in the murder of the victim. He submits that the voice sample of Khurram Khan and the petitioner are before the Central Forensic Laboratory and the report with regard thereto is awaited. He contends that if the Court is pleased to hold that the petitioner stands in the same footing as that of the other co-accused who was enlarged on bail, then the Court should direct that the petitioner to report to the Officer-in-Charge of Titagarh P.S. till the conclusion of the trial.

The materials in the case diary are such that the contention of the petitioner with regard to the claim for parity cannot be negated. The petitioner is not the principal assailant. It is alleged as against the petitioner that the petitioner played a role in the incident of murder. The role of the petitioner is identified in the charge-sheet as the person collecting information with regard to the movement of the victim and passing the same to Khurram Khan who was granted bail by the Coordinate Bench.

In such circumstances, on the ground of parity, we are inclined to grant bail to 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 Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas, subject to condition that the petitioner shall meet the Officer-in-Charge of Titagarh P.S. once in a week till the conclusion of trial and on 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) 813 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)