

19.04.2022

Serial no. 64

[Dd]

(Bail **allowed**)

CRM (DB) 1005 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **286** dated **23.06.2021** under Sections **302/201/396/412/413/414/34** of the Indian Penal Code.

-And-

In the matter of : Samsul Alam

... .. Petitioner

*Mr. Niladri Sekhar Ghosh,
Ms. Sampurna Chatterjee,
Mr. Sourav Mondal, Advocates
... .. For the Petitioner*

*Mr. Neguive Ahmed, Id APP
Ms. Amita Gaur, Advocates
... .. For the State*

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 299 days. All other co-accuseds were enlarged on bail. The petitioner can justifiably claim parity with the co-accuseds enlarged on bail. In support of this contention, he relies upon the order granting bail to the co-accuseds from time to time.

Learned advocate appearing for the State draws the attention of the Court to the seizure list and to various other materials in the case diary. She contends that the petitioner cannot claim parity with the other co-accuseds who were enlarged on bail.

There are orders passed by this Court recording that the petitioner and other co-accuseds stand on the same footing. The other co-accused who was said to be on the same footing as that of the petitioner was subsequently

enlarged on bail. Consequently, claim of parity of the petitioner is of some substance.

Considering the fact that the ground of parity with that of the other co-accused who was enlarged on bail on March 24, 2022 in CRM (DB) 502 of 2022 and considering the period of detention of the petitioner, 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, Krishnagar, Nadia** 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 of the petitioner is **allowed**.

CRM (DB) 1005 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)