

26.04.2022

Serial no. 59

[Dd]

(Bail **allowed**)

CRM (DB) 1069 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Moyna** Police Station Case No. **235** of **2019** dated **14.10.2019** under Sections **302/120B** of the Indian Penal Code giving rise to G.R. Case No. 2192 of 2019 relating to S.C case No. 125 of 2020.

-And-

In the matter of : Panchanan Mondal

... .. Petitioner

Mr. Kallol Mondal,
Mr. Amal Krishna Samanta, Advocates
... .. *For the Petitioner*

Mr. Noguive Ahmed, learned APP
Ms. Trina Mitra, Advocates
... ..*For the State*

Petitioner prays for bail on the ground of parity with that of the co-accuseds granted bail on February 3, 2022 in CRM 8669 of 2021 and another co-accused who was granted bail on March 16, 2022 in CRM (DB) 58 of 2022.

Learned Additional Public Prosecutor refers to the materials in the case diary. He submits that the petitioner was granted anticipatory bail. The petitioner did not comply with the conditions thereof. Warrant of arrest was issued. There are other co-accuseds who are absconding. He refers to the order rejecting the prayer for bail passed by the jurisdictional Court, in respect of the petitioner.

The incidents referred to by the learned Additional Public Prosecutor are prior to the orders granting bail to the two other co-accused by this Hon'ble Court on February 3, 2022 and March 16, 2022. The claim for parity with that of other co-accused cannot be denied.

In such circumstances, on the ground of parity with the other two co-accused who was granted bail by the co-ordinate Bench of this Hon'ble Court, 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, Tamluk, Purba Medinipur** 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) 1069 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)