

01.03.2022

COURT : 01
ITEM : 23
MATTER : 439
STATUS : ALLOWED
TRANSCRIBER : nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (DB) 38 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on February 2, 2022 in connection with Dinhata Police Station Case No. 525 of 2021 dated 11.10.2021 under Sections 451/326/307/302/427/379/ 34 of the Indian Penal Code and Section 25(1-A) of the Arms Act. (G.R. Case No. 561 of 2021)

And

In the matter of: **Dulal Miah & Anr.**

...Petitioners

Mr. Sudip Guha, Advocate

...for the Petitioners

Mr. Kallol Acharjee, Advocate

Mr. Sourav Ganguly, Advocate

Mr. Sagnik Shankar Sikdar, Advocate

...for the State

The petitioners are seeking bail in connection with Dinhata Police Station Case No. 525 of 2021 dated 11.10.2021 under Section 451/326/307/302/427/379/34 of the Indian Penal Code and Section 25(1-A) of the Arms Act.

The petitioners have been implicated in the aforementioned case along with several accused and are apprehended by the police authority. They are languishing in jail for 139 days.

It is submitted by the learned Advocate for the petitioners that similarly circumstanced co-accused have already been extended the benefit of Section 438 of the Code of Criminal Procedure whereas the petitioners are languishing in jail and, therefore, on the ground of parity they are entitled to be released on bail.

Learned Advocate for the State fairly submits that the petitioners stand on the same footing that of the other co-accused. Since the other co-accused persons have been extended the benefit of Section 438 of the Code of Criminal Procedure, we do not find any justification in not releasing the petitioners on bail on the ground of parity.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioners namely **Dulal Miah** and **Sahidul Haque**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of Rs.5,000/- each, one of whom must be local to the satisfaction of learned Additional Chief Judicial Magistrate, Dinhata and on further condition that the petitioners shall attend the case on each occasion and shall cooperate and assist the prosecution to complete the case without being unreasonable delayed.

The application being **CRM (DB) 38**
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of 2022 is accordingly **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J)