

08.03.2022

COURT : 01
ITEM : 24
MATTER : 439
STATUS : ALLOWED
TRANSCRIBER : Saswata

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

CRM (DB) 62 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No. 526 of 2021 dated 11.10.2021 under Sections 447/326/307/302/34 of the Indian Penal Code read with Sections 25(1-A)/27 of the Arms Act.

And

In the matter of : Jonab Ali

...Petitioner

Mr. Sudip Guha

...for the Petitioner

Mr. Aditi Shankar Chakraborty, APP

Mr. Biswarup Roy

...for the State

The petitioner is seeking bail in connection with Dinhata Police Station Case No. 526 of 2021 dated 11.10.2021 under Sections 447/326/307/302/34 of the Indian Penal Code read with Sections 25(1-A)/27 of the Arms Act on the ground of parity.

It is submitted that the other co accused who stand on the same footing that of the petitioner had already been extended the benefit of Section 438 of the Code of Criminal Procedure in CRM (A) 21 of 2022 on 11/01/2022.

The learned advocate for the State opposes the prayer for bail.

After perusal of the materials from the case diary and upon hearing the submissions, we find that Ashadul Haque and Harun Ali are the principal accused and others stand on the same footing. Since, Khairul Haque, Jahir Ali and Aminul Hossain had already been extended the benefit of Section 438 of the Code of Criminal Procedure by this Court in the abovementioned case, the petitioner standing on the same footing with them is also entitled the same treatment.

As such, the prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Jonab Ali**, 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, Dinhata, on condition that the petitioner shall appear before the trial Court on every date of hearing until further order and shall not intimidate and / or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions mentioned hereinbefore, it would be open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, the application for bail being CRM (DB) 62 of 2022 is disposed of.

(Harish Tandon, J)

(Rabindranath Samanta, J)