

35. 29.05.2023
Ct.4 jb/Tanmoy

Allowed

CRM (DB) 2142 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Muchipara Police Station/D.D. Case No. 126 of 2019 dated 04.07.2019 under Sections 120B/170/365/395 of the Indian Penal Code, 1860.

And

In the matter of: - **Balai Sarkar @ Dilip Sarkar**

...petitioner.

Mr. Satadru Lahiri,
Mr. Sourav Paul,
Mr Tanumoy Ghosh

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Ms. Purnima Ghosh

...for the State.

Mr. Satadru Lahiri, learned Advocate appearing on behalf of the petitioner seeks an order of bail of the petitioner on the ground of parity with the other co-accused person, which ground virtually has not been objected to on behalf of the State.

On consideration of the said fact and on the ground of parity of the present petitioner with that of the other co-accused person, who has already been enlarged on bail by this Court *vide* order dated May 18, 2023 in CRM (DB) 2009 of 2023, we are inclined to allow the prayer for bail of the petitioner. The relevant portion of the said order is extracted hereinbelow:-

“Accordingly, the petitioner, viz., Mithun Nath @ Hore shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Calcutta subject to condition that he shall appear

before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the district of North 24-Parganas except for purpose of investigation and attending court proceeding and shall report to the Officer-in-charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.”

Accordingly, the petitioner, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Calcutta, subject to the condition that he shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the district of North 24-Parganas except for purpose of investigation and attending court proceeding and shall report to the Officer-in-charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, 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 application for bail being CRM (DB) 2142 of 2023 is, thus, allowed and disposed of.

(Rai Chattopadhyay, J.)

(Tirthankar Ghosh, J.)