

13.12.2023
Sl. No. 134
S.D.

CRM (DB) 4632 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 6.12.2023 in connection with Panchla P.S. Case No. 289 of 2021, dated 23.8.2021 under Sections 376/417/313/120B of the Indian Penal Code.

And

In the matter - Sk. Mujibar Rahman @ Mujibar Rahaman
..... Petitioner.

Mr. Dipanjan Chatterjee
Mr. Asit Nayek
Ms. Rimpa Adhikary
Mr. S. Bhattacharjee

..... for the petitioner.

Mr. Pravas Bhattacharya
Mr. Dipankar Mahata

..... for the State.

The petitioner renews the prayer for bail.

Petitioner applied for anticipatory bail by CRM (A) 1342 of 2023 which was rejected on March 30, 2023. Subsequently, the petitioner was granted statutory bail. However, the petitioner could not furnish the requisite bond and, therefore, approached the High Court. The Division Bench permitted the petitioner to take steps in accordance with law. The petitioner approached the Revisional Court. The

Revisional Court disposed of the revisional application by permitting the petitioner to approach the Court under Section 439 of the Cr.P.C.

Another co-accused was enlarged on bail by Jurisdictional Court by Order No. 7 dated November 24, 2023 passed in S.T. No. 248 of 2023.

In the order dated June 13, 2023 passed in CRM 2234 of 2023 that of the petitioner, a Co-ordinate Bench noted that, the victim was in a relationship with the principal accused. The Co-ordinate Bench earlier recorded that their Lordships were unable to distinguish the act of the present petitioner to be different from the act of the principal accused.

Since the other person who is said to be the principal accused was granted bail by the Jurisdictional Court, on the ground of parity, we direct that 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 Judicial Magistrate, Howrah**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Bask, J.)

(Md. Shabbar Rashidi, J.)