

17. 04.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 304 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Kotwali Police Station Case No. 821 of 2021** dated **17.08.2021** under Sections **143/341/326/307/34** of the Indian Penal Code, 1860 read with Section **6** of the POCSO Act.

And

In the matter of: - **Noor Hossain & Anr.**

...petitioners.

Mr. Arjun Chowdhury, Adv.,
Ms. Pratusha Dutta Chowdhury, Adv.,
Ms. Riya Agarwal, Adv.

...for the petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Kallol Acharjee, Adv.,
Mr. Kallol Nag, Adv.

...for the State.

The petitioners pray for bail on the ground of parity. They show us an order dated July 3, 2023, passed in CRM (DB) 270 of 2023, whereby this Bench enlarged two co-accused persons on bail. The petitioners say that they are similarly circumstanced.

Learned Additional Public Prosecutor, in his usual fairness, does not dispute this position. Accordingly, on the ground of parity, the prayer for bail is allowed.

Accordingly, we direct that the petitioners, namely, **Noor Hossain** and **Md Safiyar @ Md. Sofiar @ Chhopir Rahoman**

shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two registered sureties of like amount each, to the satisfaction of learned Chief Judicial Magistrate, Cooch Behar, on condition that the petitioners shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which they reside once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall not commit any cognizable offence in future.

In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the trial Court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 304 of 2023 is, accordingly disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)