

46.
Court
No.1

14.07.2023

Tanmoy Ghosh

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (DB) 416 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Jaigaon Police Station Case No. 18 of 2022** dated **14.01.2022** under Sections **302/120B** of the Indian Penal Code, 1860.

And

In the matter of: - **Ekramul Hoque**

...petitioner.

Mr. Partha Pratim Sarkar, Adv.,
Mr. Sudip Guha, Adv.,
Mr. Sandip Guha Roy, Adv.

...for the petitioner.

Mr. Kallol Acharjee, Adv.,
Mr. Chattu Roy, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State at length.

At the very outset, learned Advocate for the accused/petitioner draws attention of this Court to a photocopy of the order dated July 6, 2023, passed in CRM (DB) 353 of 2023, whereby and whereunder, one co-accused person was enlarged on bail by this Court.

It is contended that considering the fact that the present accused/petitioner is similarly circumstanced as the said charge-sheeted accused person, who has already been enlarged

on bail, the instant application for bail may be considered favourably.

Learned Advocate for the State opposes the prayer for bail.

On a perusal of the entire material in the case diary we are of the view that the present accused/petitioner is similarly circumstanced as the co-accused who has already been enlarged on bail in connection with the aforementioned case.

Accordingly, on the ground of parity, we allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Ekramul Hoque**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Chief Judicial Magistrate, Alipurduar. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the Trial Court until further orders.

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

The application for bail being CRM (DB) 416 of 2023 is accordingly allowed and disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)