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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 473 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with Alipurduar Police Station Case No. 80 of 2023 dated 09.03.2023 under Sections 304/34 of the Indian Penal and adding Section 302 of the Indian Penal Code.

In the matter of : Rahul Sarkar

... petitioner

Mr. Arnab Saha

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly

.....for the State.

1. Learned counsel appearing for the petitioner argues that three of the co-accused persons on similar footing as the petitioner have already been enlarged on bail.

2. As such, on the ground of parity, the petitioner seeks bail.

3. Learned counsel appearing for the State opposes the prayer for bail and submits that the petitioner was specifically named, among others, by the eye-witnesses. It is further submitted that most of the persons who were enlarged on bail were females.

4. Be that as it may, since the petitioner cites the case of one Rakesh, who is a male on similar footing as the petitioner vis-à-vis the offence but was also released on bail,

we are of the opinion that the petitioner is entitled to grant of similar relief.

5. Accordingly, CRM (DB) 473 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipurduar. The petitioner shall not leave the territorial jurisdiction of the Trial Court during the entire period of trial and shall attend on each and every date of trial.

6. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)