

121. 14.05.2024
Court
No.6 Tanmoy Ghosh

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1546 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Manikchak Police Station Case No. 381/2022** dated **17.07.2022** under Sections **143/144/326/307/302/120B** of the Indian Penal Code, 1860, read with Sections **3/4** of the Explosive Substances Act.

And

In the matter of: - **Tafijul Sk & Anr.**

...petitioners.

Mr. Srijib Chakraborty, Adv.,
Mr. Mayukh Mukherjee, Adv.,
Ms. Rupsha Sreemani, Adv.,
Ms. Aishwarya Bajaj, Adv.

...for the petitioners.

Mr. Debasish Roy, Ld. PP,
Ms. Rajnandini Das, Adv.

...for the State.

The petitioners renew their prayer for bail. The charges are under Sections 143/144/326/307/302/120B of Indian Penal Code.

The last rejection of the prayer of the petitioners was on July 4, 2023. After that, persons similarly situate have been enlarged on bail by this Court. Such orders have been placed before us.

Learned Advocate for the State in her usual fairness admits that the present petitioners are similarly circumstanced as other co-accused persons who have been granted bail by this Court. She, however, opposes the prayer for bail saying that eight of the co-accused persons are absconding.

We have perused the material in the case diary. Considering the facts and circumstances of the case and the fact that similarly circumstanced co-accused persons have been enlarged on bail by this Court, we are of the view that the present petitioners are entitled to claim parity and ought to be granted similar privilege.

Accordingly, we direct that the petitioners, namely, **Tafijul Sk** and **Mafijul Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, subject to conditions that the petitioners 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 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) 1546 of 2024 is accordingly allowed and disposed of.

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.)

(Prasenjit Biswas, J.)