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09-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1583 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dasnagar Police Station** Case No. **129 of 2023** dated **16.08.2023** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Udayan Maitra

.... Petitioner.

Mr. Kollol Mondal,
Mr. M. Chatterjee,
Mr. D. Majumder,
Mr. S. Das,

... For the petitioner.

Mr. Antarikhya Basu,
Mr. A. Parvez,

... For the State.

Order dictated in open court by Apurba Sinha Ray, J.

Learned Counsel for the petitioner says that the petitioner claims parity with the other accused persons who are granted bail by the learned Sessions Judge, Howrah.

Learned Counsel appearing for the State has raised strong objection. According to him the petitioner should not be granted bail since he does not stand on the same footing as the other accused persons. Further, the order granting bail to the other accused persons by the learned Sessions Judge is devoid of sufficient reasons. There are sufficient incriminating materials from which it transpires that the victim was mercilessly beaten up by the staff and workers of a rehabilitation centre and there are 48 injuries in the post mortem report. As the materials in the case diary sufficiently show the complicity of the present accused, his prayer for bail should be rejected.

We have considered the prayer for bail along with the order of the other co-accused persons passed by the learned Sessions Judge, Howrah. It appears that the present petitioner stands on the same footing with other accused persons who were granted bail by the learned Trial Court. It further appears that there is no prayer for cancellation of bail of the other accused persons at the instance of the State. As the investigation is complete, the learned Trial Judge had thought it fit to grant bail to the other accused persons.

Since, the petitioner stands on the same footing as the other accused persons and also considering that the petitioner is in custody for 327 days and the case has not yet been committed, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Udayan Maitra**, 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 and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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 adhere to any of the conditions stipulated above without 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 is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)