

19.06.2024
Sl. No.100
akd
[ALLOWED]

C. R. M. (DB) 1645 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.05.2024 in connection with Chinsurah Police Station Case No.388 of 2022 dated 01.08.2022 under Sections 419/420/306/465/468/471/384/120B of the Indian Penal Code and Sections 66D/66E/67/67A of I.T. Act, 2008.

And

In Re: ***Burah Khan @ Bhura Khan***

... .. Petitioner

Mr. Sandip Chakraborty
Mr. Arun Kumar Uppadhyay
Mr. Rajib Singh
Mr. Kaustav Das

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Debanshu Ghorai

... .. for the State

The petitioner is in custody for 170 days. He submits that charge sheet has been filed upon conclusion of investigation. A co-accused person by the name of Habib Khan @ Habban has been granted bail by a coordinate Bench by order dated May 9, 2024 in CRM (DB) 1313 of 2024. He says that he stands on the same footing as Habib Khan @ Habban. He claims parity.

Mr. Madhusudan Sur, learned Additional Public Prosecutor strongly opposes the prayer for bail. He produces the case diary as also the memo of evidence. He says that the present petitioner is the principal accused. The Whatsapp number which was used by accused persons, is registered in the name of this petitioner. Witness action has begun. The bail prayer should be rejected.

Having considered the rival contentions of the parties, we are of the opinion that prima facie this petitioner and Habib Khan @ Habban who has been granted bail by a coordinate Bench are similarly circumstanced. No useful purpose will be served by further detaining

the petitioner since witness action has begun. The petitioner is in incarceration for quite some time and there is little chance of the trial coming to a conclusion at an early date.

In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely **Burah Khan @ Bhura Khan**, 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 Additional Chief Judicial Magistrate, Chinsurah, Hooghly 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned 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.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)

