

10.06.2024
Item no.67.
Court No.28.
S. De

CRM (DB) No. 1678 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 20.05.2024 in connection with Manicktala Police Station Case No. 304/34 of the Indian Penal Code.

And

In the matter of : Shiba Santra Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Akbar Laskar, for the Petitioner.

Mr. Subrata Roy,
Mr. Ratul Ghosh, for the State.

The petitioner renews his prayer for bail which was earlier rejected by a Co-ordinate Bench by an order dated April 18, 2024, in CRM (DB) 1197 of 2024.

The charge is of culpable homicide not amounting to murder. The petitioner says that he had no major role to play in the incident. It was an accident. The victim was inebriated. There was an altercation between the victim and his associates including the petitioner. The victim fell down and injured his head. He succumbed to such injury. The petitioner further says that he has now come to know that another co-accused namely Sanjib Nag has been enlarged on bail by the learned Trial Court on March 16, 2024. He says that he stands on the same footing

as Sanjib Nag. On the ground of parity the petitioner prays for bail.

Learned advocate for the State strongly opposes the prayer for bail. He draws our attention to the material in the case diary including statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. He says that the present petitioner has been specifically named by such witnesses.

We have considered the material on record. Trial is in progress. We find from the records that Sanjib Nag and the present petitioner are similarly circumstanced. Accordingly, on the ground of parity, we are inclined to allow this application but on stringent conditions.

Accordingly, we direct that the petitioner namely, **Shiba Santra** 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, Sealdah and on further conditions that the petitioner shall not enter the jurisdiction of Manicktala Police Station except for attending Court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station. The petitioner shall also meet 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.)