

44. 02.07.2024  
Court  
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1886 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Santipur Police Station Case No. 784 of 2021**, dated **05.10.2021** under Section **392** of the Indian Penal Code. Charge-sheet under Sections **395/412** of the Indian Penal Code.

And

In the matter of: - **Barun Biswas**

...petitioner.

Mr. Arnab Chatterjee, Adv.,  
Ms. Dhanusree Biswas, Adv.,  
Ms. Poulami Bose, Adv.

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP,  
Mr. Akash Ganguly, Adv.

...for the State.

The petitioner is one of the several accused persons. He says that he is in custody for two years and seven months. Only 12 out of 29 witnesses have been examined so far by the prosecution. A co-accused person, Subrata Roy alias TERA alias TAKLA, standing on the same footing as the petitioner, has been enlarged on bail by a co-ordinate Bench by an order dated May 30, 2024, passed in CRM (DB) 1738 of 2024. He claims parity.

Learned Additional Public Prosecutor, while opposing the prayer for bail, draws our attention to the material in the case diary. He says that the present petitioner is not similarly circumstanced as Subrata Roy. There was recovery of stolen articles from this petitioner. Further, this petitioner was identified in T.I. Parade, not Subrata Roy.

We find from records that Subrata Roy was also indentified in T.I. Parade. There was also recovery from him.

Hence, this petitioner and Subrata Roy stand on the same footing.

Hence, on the ground of parity and also on the ground of delay in progress of trial, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Barun Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to condition that the present petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, 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 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 being CRM (DB) 1886 of 2024 is accordingly 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.)**

**(Apurba Sinha Ray, J.)**