

61. 05.07.2024  
Court  
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1948 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Murshidabad Police Station Case No. 73 of 2024**, dated **01.02.2024** under Section **302/120B/34** of the Indian Penal Code. Charge-sheet submitted on 20.06.2020 under Sections **302/120B/34** of the Indian Penal Code.

And

In the matter of: - **Anil Roy**

...petitioner.

Mr. Niladri Sekhar Ghosh, Adv.,  
Mr. Tapodip Gupta, Adv.

...for the petitioner.

Ms. Zareen N. Khan, Adv.,  
Mr. Saptarshi Chakraborty, Adv.

...for the State.

The petitioner claims parity. He refers to an order dated June 11, 2024, passed by this Bench in CRM (DB) 1562 of 2024, whereby a co-accused person was enlarged on bail. He says that he stands on the same footing as that person.

Learned Advocate for the State, in her usual fairness does not dispute that the petitioner is similarly circumstanced as the other co-accused person who has been granted bail. She also says that there are three statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973. In none of those statements the name of the petitioner has been mentioned.

We are, therefore, inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Anil Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount

each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, 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) 1948 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.)**