

CRM (DB) 2023 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Farakka Police Station** Case No. **62 of 2023** dated **31.01.2023** under Sections **302/34** of the Indian Penal Code and Sections 25(i)(a) of the Arms Act and Sections 3/4 of the E. S. Act.

- A n d -

In the matter of : Jiaul Sk & Anr.

.... Petitioners.

Mr. B. Bhattacharyya,
Mr. S. Nandy,

... For the Petitioners.

Mr. Sudip Kumar,
Ms. Rita Dutta,

... For the State.

Mr. Tapodip Gupta,

... for the defacto complainant.

Order dictated by Apurba Sinha Ray, J.:

Learned Advocate for the petitioners submits that the petitioners are standing on the same footing with the other accused persons who are enlarged on bail by the learned Trial Court. The present petitioners may also be enlarged on bail on any condition as the Court may deem fit.

Learned Advocate for the State while opposing the prayer for bail, in his usual fairness, does not dispute that the present petitioners are similarly circumstanced.

In view of the above submission, the materials on record and solely on the ground of parity, we are inclined to enlarge the petitioners on bail.

Accordingly, we direct that the petitioners, namely, **Jiaul Sk and Rejaul Sk**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional

Chief Judicial Magistrate, Jangipur, Murshidabad and on further conditions that they 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 week until further orders. The petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.)