

04
27-08-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2035 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Duttapukur Police Station** Case No. **286 of 2021** dated **03.05.2021** under Sections **302/34** of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act and Section 9B of the Indian Explosive Act.

- A n d -

In the matter of : Entajul Islam @ Intajul Islam @ Laltu

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Rajarshree Tah,
Ms. A. Datta,

... For the Petitioner.

Mr. Amajit De,

... For the CBI.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity. He refers to an order dated April 29, 2024 passed in CRM (DB) 514 of 2024, whereby a co-accused namely, Md. Merajul Haque, was enlarged on bail. He says that he is similarly circumstanced.

2. Learned Advocate for the CBI opposes the prayer for bail. He says that the petitioner does not stand on the same footing as Md. Merajul Haque. That other person was carrying bombs in a bag whereas the petitioner hurled bombs at the victims. Report filed by the CBI be kept with the records.

3. We have considered the material on record. In our opinion, both the persons referred to above are substantially similarly placed.

4. In any event, the petitioner is in custody for two years and nine months. We are told that 12 out of 28 charge sheet named

witnesses have been examined. Therefore, we do not see any possibility of an early conclusion of the trial.

5. Both on the ground of parity and delay in progress of the trial, we are inclined to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Entaljul Islam @ Intajul Islam @ Laltu**, 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 Chief Judicial Magistrate, Barasat, North 24-Parganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of North 24-Parganas except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the jurisdictional court and meet the Inspector, CBI, SCB, Kolkata once in a week until further orders.

7. 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.

8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**