

32.
Court
No.28

21.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2124 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Baranagar** Police Station Case **No.733/2022** dated **16.12.2022** under Sections **419/420/465/467/468/471** of the Indian Penal Code, 1860 read with Sections **66C/66D** of the Information Technology Act, 2000 and subsequently added Section **121A** of the Indian Penal Code.

And

In the matter of: - **Uday Kumar Shaw**

...petitioner.

Mr. Saurav Chatterjee
Mr. Dhananjay Banerjee

...for the petitioner.

Ms. Rituparna Ghosh
Ms. Suruchi Saha

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity with one Dhanraj Shaw and says that he stands on a better footing than Md. Abdus Sakeel @ Abdul Shakeel @ Md. Shakeel @ Shaik Zahid, both of whom were granted bail by this Court.
2. While opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary.
3. Since we find that the petitioner and the aforesaid Dhanraj Shaw are similarly circumstanced and that petitioner has been in custody for one year and seven months, we are inclined to allow the petitioner’s prayer for bail on the ground of parity.

4. Accordingly, we direct that the petitioner, namely, **Uday Kumar Shaw** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24 Parganas at Barasat, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the geographical limits of the district of North 24 Parganas and shall provide the address where he shall reside to the Investigating Officer as well as the Court below and shall report to the Investigating Officer of the case once in a week until further orders. The petitioner shall also deposit his passport, if any, with the learned Trial Court before his release.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 2124 of 2024 is accordingly disposed of.

7. 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.)