

05.09.2024
Item no.20.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2326 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Berhampore Police Station Case No. 51 of 2024** dated **07.01.2024** under **Sections 302/34** of the Indian Penal Code and **Sections 25/27** of the **Arms Act**.

And

In the matter of : Mostafa Mondal @ Mosto.

.....Petitioner.

Mr. Rajdeep Majumder,
Mr. A. Chatterjee,
Mr. Asraf Mondal,for the Petitioner.

Mr. Saryati Datta,
Mr. Santanu Talukdar,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated September 2, 2024, passed by a co-ordinate Bench in CRM (DB) 2366 of 2024, whereby a co-accused person namely, Saiful Sk., was enlarged on bail. The petitioner says that he stands on the same footing as that person.
2. While opposing the prayer for bail, learned counsel for the State, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Saiful Sk. Hence, on the ground of parity, we allow this application for bail.

3. Accordingly, we direct that the petitioner, namely **Mostafa Mondal @ Mosto** 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, Berhampore, Murshidabad and on further conditions that he 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 fortnight until further orders.
4. The petitioner 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.
5. 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.
6. The application for bail is, accordingly, allowed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)

