

03.10.2024
Item no. 34.
Court No.28.
AB
(Allowed)

CRM (DB) 2384 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pingla Police Station Case No.129 of 2021 Dated 2.5.2021 under Sections 341/302/379/34 of the Indian Penal Code

And

In the matter of : Sankar Habar & Ors.Petitioners.

Mr. Rajdeep Majumdar,
Mr. Moyukh Mukherjee,
Ms. Sagnika Banerjee,
Ms. Sarmistha Basakfor the Petitioners.

Mr. Antarikhya Basu,
Mr. J. I. Hossainfor the State.

Dictated by Arijit Banerjee, J.

1. Report filed on behalf of the State, be kept with the records.
2. The petitioners claim parity citing an order dated February 21, 2022, passed in CRM (DB) 141 of 2022, whereby a co-accused person was granted bail. The petitioners say that they stand on the same footing as that person, namely, Mithun Jana. No specific overt act has been attributed to the present petitioner also.
3. Learned Advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that these petitioners are similarly circumstanced as

Mithun Jana, who has been enlarged on bail by this Court.

4. Hence, on the ground of parity, we allow this application for bail.
5. Accordingly, we direct that the petitioners, namely **Sankar Habar, Subhash Jana, Sukanta Jana, Dilip Batul** 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 Chief Judicial Magistrate, Paschim Medinipur, and on further conditions that they shall not enter the jurisdiction of Pingla Police Station until further orders and shall intimate the address where they would be residing to the Officer in Charge of Pingla Police Station immediately.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
7. 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.
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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)