

21. 05.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 2331 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, arising out of **Thakurpukur** Police Station Case No. **20/2020** dated **23.01.2020** under Sections **302/307/326/34** of the Indian Penal Code.

And

In the matter of: - **Sanjib Paul & Anr.**

...petitioners.

Mr. Rajdeep Mazumder
Mr. Pritam Roy
Mr. Soewel Bhattacharjee
Ms. Triparna Roy

...for the petitioners.

Mr. Joydeep Roy
Ms. Snigdha Saha

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated April 5, 2022, passed by a co-ordinate Bench in CRM (DB) 890 of 2022, whereby a co-accused person, namely, Rabi Bachhar @ Santanu Bachhar, was enlarged on bail. The petitioner says that he stands on the same footing as Rabi Bachhar @ Santanu Bachhar.
2. While opposing the prayer for bail learned Advocate for the State says that the petitioners were absconding for four years. Only after proclamation was issued, they were arrested. Their names specifically figure in the evidence so far recorded by the witnesses.
3. We have seen the evidence of the witnesses. Rabi Bachhar's name also specifically figures at the same place as the name of the present petitioners. Rabi Bachhar was also absconding and proclamation had to be issued against him.

We do not see how these petitioners stand on a different footing than Rabi Bachhar.

4. Hence, on the ground of parity, we allow the petitioners' prayer for bail.
5. Accordingly, we direct that the petitioners, namely, **1. Sanjib Paul, 2. Gobinda Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 3rd Court at Alipore, South 24 Parganas, subject to condition that the petitioners 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.
6. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 2331 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)