

05.09.2024
Item no.27.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2380 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Domkal Police Station Case No. 384** of **2019** dated **16.06.2019** under **Sections 302/286/34** of the Indian Penal Code read with **Section 9(b) Explosive Act & Section 27 of the Arms Act.**

And

In the matter of : Ruhul Amin Halsana @ Jharu.

.....Petitioner.

Mr. Diptangshu Basu,

.....for the Petitioner.

Mr. Bivashan Bhattacharyya,

Mr. Dattatreya Dutta,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing various orders of this Court whereby 26 out of 44 accused persons have been granted bail. In particular, he relies on an order dated August 3, 2021, passed by a co-ordinate Bench in CRM 3479 of 2021 whereby 5 accused persons were enlarged on bail. The petitioner says that he stands on the same footing as those persons.
2. Opposing the prayer for bail, learned State counsel says that although in involvement the petitioner may be similarly circumstanced as the other persons who have been granted bail, the petitioner absconded for

about 5 years. Because of that, the trial has been delayed.

3. Since the petitioner is similarly circumstanced as other accused persons who have been granted bail, we are minded to allow his prayer subject to stringent conditions.
4. Accordingly, we direct that the petitioner, namely **Ruhul Amin Halsana @ Jharu** 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.
5. 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.
6. 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.
7. The application for bail is, accordingly, allowed.

8. 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.)