

29.08.2024
Item no.34.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2444 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Baishnabnagar Police Station Case No. 134** of **2023** dated **01.03.2023** under **Sections 302/201/120B/34** and **Section 376(D)** of the Indian Penal Code.

And

In the matter of : Abhoy Mandal.

.....Petitioner.

Mr. Kazi Mokhlas Ur Rahman,
.....for the Petitioner.

Mr. Soumik Ganguly,
Ms. Ratna Ghosh,for the State.

Mr. Pravas Bhattacharyya,
...for the Opposite Party No.2.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated July 4, 2024, passed by this Bench in CRM (DB) 1568 of 2024, being a bail application filed by a co-accused person namely, Ajit Manjdal.
2. Learned advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that the petitioner stands on the same footing as the other accused person namely, Ajit Manjdal who was granted bail. The DNA profile also does not mention this petitioner.

3. Hence, on the ground of parity, we allow this application for bail.
1. Accordingly, we direct that the petitioner, namely **Abhoy Mandal** 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, Malda 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.
2. 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.
3. 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.
4. The application for bail is, accordingly, allowed.

5. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)