

CRM (DB) 2464 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the BNSS in connection with **Burwan Police Station** Case No. **227 of 2021** dated **13.08.2021** under Sections **341/326/307/302/120B/34** of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act.
- A n d -

In the matter of : Dayal Sk

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mrs. Riya Das,

... For the Petitioner.

Mr. Sandip Chakraborty,
Mr. Arup Sarkar,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail claiming parity. He says that other accused persons have been enlarged on bail by orders dated February 11, 2022, September 12, 2023 and December 18, 2023, namely, Abdus Samad Sk. @ Thandu, Rejaul Mir @ Mithu Mir and Samjed Sk.. He stands on the same footing as those persons.

2. Learned Advocate for the State while opposing the bail prayer, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the other accused persons who have been enlarged on bail as mentioned above. However, his prayer was rejected on more than one occasion and lastly on January 10, 2024.

3. We see from the earlier orders that the coordinate Bench did not consider this petitioner to be similarly circumstanced as

other persons enlarged on bail since in those cases the period of detention was much longer than the period of detention suffered by this petitioner.

4. Since the petitioner has now been in incarceration for about one year and nine months and since we find him to be similarly circumstanced as other accused persons who have been enlarged on bail, we allow this application for bail.

5. Accordingly, we direct that the petitioner, namely, **Dayal Sk**, 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 Additional District and Sessions Judge, Fast Track, Court-1, Kandi, 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. 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)