

81. 05.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2505 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 **Khardah** Police Station Case No. **814/2021** dated **10.12.2021** under Sections **364/120B** of the Indian Penal Code and adding Sections **302/201** of the Indian Penal Code.
And

In the matter of: - **Susanta Nandi @ Bholu** ...petitioner.
Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha ...for the petitioner.
Mr. Anand Keshari
Mr. Aritra Bhattacharya ...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated July 26, 2024, passed by a co-ordinate Bench in CRM (DB) 1988 of 2024, whereby two co-accused persons, namely, Sreedam Das @ Sridam Das and Hussan Sekh @ Pradip, were enlarged on bail, primarily on the ground of inordinate delay in progress of the trial. The petitioner says that he is similarly circumstanced as the said two co-accused persons. He is in custody for two years and 10 months. He prays for bail.
2. While opposing the prayer for bail learned Advocate for the State, in his usual fairness, does not dispute that this petitioner stands on the same footing as the aforesaid Sreedam Das @ Sridam Das and Hussan Sekh @ Pradip.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Susanta Nandi @ Bholu** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge (Fast Track 4th Court) at Barrackpore, North 24 Parganas, subject to condition that the petitioner 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.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 2505 of 2024 is accordingly disposed of.
7. 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)