

24.09.2024
Item no. 39.
Court No.28.
AB
(Allowed)

CRM (DB) 2507 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sutahata Police Station Case No.335 of 2023 Dated 13.09.2023 under Sections 395/120B of the Indian Penal Code read with Section 25/27 of the Arms Act

And

In the matter of : Nitai Mondal Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Saha for the Petitioner.

Mr. Madhusudan Sur, ld. APP
Mr. M.F.A. Begg for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for over nine months. The case has not even been committed till date. A co-accused, namely, Atiar Sk. @ Atar Ali has been enlarged on bail by a Coordinate Bench by an order dated 5.2.2024, passed in CRM (DB) 348 of 2024. He says that he stands on the same footing as Atiar Sk.
2. While the learned Additional Public Prosecutor opposes the prayer for bail, in his usual fairness, he does not dispute that to a large extent, the petitioner is similarly circumstanced as Atiar Sk., who was enlarged on bail.
3. Hence, on the ground of parity, we allow the prayer for bail of the petitioner also keeping in mind the period of

detention he has undergone and that an early conclusion of the trial looks extremely unlikely.

4. Accordingly, we direct that the petitioner, namely **Nitai Mondal** 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 Chief Judicial Magistrate, Haldia, 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

