

06.
Court
No.28

06.09.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2555 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 **Beniapukur** Police Station Case No. **259/2016** dated **11.06.2016** under Sections **307/34** of the Indian Penal Code, 1860 read with Section **25(1B)(a)** of the Arms Act, 1959 with added Sections **302/34** of the Indian Penal Code.

And
In the matter of: - **Sk. Moinuddin @ Sk. Mainuddin @ Raj**

...petitioner.

Mr. Anand Keshari
Ms. Soumili Choudhuri
Ms. Pubali Debnath

...for the petitioner.

Mr. Joydeep Roy, Ld. Jr. Govt. Adv.
Ms. Pritha Pal

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated June 26, 2024, passed by a co-ordinate Bench in CRM (DB) 1537 of 2024, whereby a co-accused person, namely, Md. Salauddin, was granted bail primarily on the ground of inordinate delay in progress of the trial. The petitioner says that he stands on the same footing as Md. Salauddin. He is in custody for eight years and two months.
2. While opposing the prayer for bail learned Advocate for the State says that he is not in a position to dispute that insofar as the delay in the trial is concerned, this petitioner is similarly circumstanced as Md. Salauddin.
3. Hence, on the ground of parity, we allow the petitioner’s prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Sk. Moinuddin @ Sk. Mainuddin @ Raj** 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 Chief Judicial Magistrate, Sealdah, South 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 and on further condition that the petitioner will remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station every week until further orders.
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) 2555 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)