

47.
24-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2546 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hariharpara Police Station Case No.191 of 2021 dated 17-05-2021 under Sections 302/34 of the Indian Penal Code.

- A n d -

In the matter of : Tajimuddin Shah

.... Petitioner.

Mr. Partha Pratim Das,
Mr. Monajit Chakraborti

... For the Petitioner.

Mr. Avishek Sinha,
Mr. Sandip Kundu

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner claims parity citing an order dated August 14, 2024, whereby a coordinate Bench granted bail to a co-accused person in CRM (DB) 2172 of 2024. The petitioner says that he stands on the same footing as that person, namely, Ruhul Shah.

Learned State advocate, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the aforesaid, Ruhul Shah.

Hence we allow this application on the ground of parity.

Accordingly, we direct that the petitioner, namely, **Tajimuddin Shah**, 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 learned Chief Judicial Magistrate, Murshidabad. 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, until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2546 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)