

08. Court No.28 06.09.2024
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2580 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 **Hariharpara** Police Station Case No. **127/2022** dated **23.03.2022** under Sections **392/395/412** of the Indian Penal Code, 1860, read with Sections **25/27** of the Arms Act.

And

In the matter of: - **Hasan Mondal @ Hasan Ali Mondal**

...petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

...for the petitioner.

Mr. Ranadeb Sengupta
Mr. Sharequl Haque

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated August 21, 2024, passed by a co-ordinate Bench in CRM (DB) 2216 of 2024, whereby a co-accused person, namely, Habib Sk @ Bonti @ Habiba Sk, was enlarged on bail. The petitioner says that he stands on the same footing as Habib Sk @ Bonti @ Habiba Sk.
2. While opposing the prayer for bail learned Advocate for the State, in his usual fairness, does not dispute that the petitioner is similarly circumstanced as the aforesaid Habib Sk @ Bonti @ Habiba Sk.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Hasan Mondal @ Hasan Ali Mondal** 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 Chief Judicial Magistrate, Murshidabad at Berhampore, 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) 2580 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.)