

56.
24-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2583 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 Duttapukur Police Station Case No.672 of 2020 dated 15-09-2020 under Sections 302/201/120B of the Indian Penal Code.

- A n d -

In the matter of : Goutam Dey alias Gautam Dey
.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha
... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Raju Mondal
... For the State.

Dictated by Arijit Banerjee, J.

The petitioner claims parity citing an order dated July 10, 2024, whereby this Bench had enlarged Soumen Mondal, a co-accused, on bail. The petitioner says that he is similarly circumstanced insofar as the issue of delay in trial is concerned. He is in custody for four years fifteen days.

Learned State advocate, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner stands on the same footing as Soumen Mondal insofar as the issue of delay in trial is concerned.

Accordingly, on the ground of delay and also on the ground of parity, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Goutam Dey alias Gautam Dey**, 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, North 24 Parganas at Barasat. 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) 2583 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.)