

09. Court No.28 06.09.2024
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2584 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 **Islampur** Police Station Case No. **271/2023** dated **09.07.2023** under Sections **341/325/326/307/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Md. Mohaimin Sk & Anr.**

...petitioners.

Mr. Golam Nure Imrohi

...for the petitioners.

Mr. Avishek Sinha

Mr. Ratul Ghosh

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated March 28, 2024, passed by a co-ordinate Bench in CRM (DB) 939 of 2024, whereby some other accused persons were released on bail. The petitioners say that they stand on the same footing as those accused persons.
2. While opposing the prayer for bail learned Advocate for the State, in his usual fairness, does not dispute that these petitioners are similarly circumstanced as those petitioners in CRM (DB) 939 of 2024, who were enlarged on bail.
3. Hence, on the ground of parity, we allow the petitioners' prayer for bail.
4. Accordingly, we direct that the petitioners, namely, **1. Md. Mohaimin Sk, 2. Golam Ali Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one

of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to condition that the petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 2584 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.)