

10. 06.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2594 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 **Berhampore** Police Station Case No. **1564/2023** dated **30.10.2023** under Section **394** of the Indian Penal Code, 1860 read with Sections **25/27** of the Arms Act, 1959.

And

In the matter of: - **Hasibul Sk**

...petitioner.

Mr. Somnath Adhikary

...for the petitioner.

Mr. Subhomoy Bhattacharya

Ms. Paramita Sahu

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated July 9, 2024, passed by a co-ordinate Bench in CRM (DB) 1899 of 2024, whereby another accused person, namely, Koesuddin Mondal, was granted bail. The petitioner says that he stands on the same footing as that accused person.
2. While opposing the prayer for bail learned Advocate for the State, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Koesuddin Mondal, who was enlarged on bail.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Hasibul Sk** 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) 2594 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.)