

12. 06.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 2623 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 **Shyampukur** Police Station Case No. **52/2024** dated **10.6.2024** under Sections **307/326/34/506/120B** of the Indian Penal Code, 1860.

And

In the matter of: - **Uttam Rajbhar**

...petitioner.

Mr. Debajyoti Deb
Mr. Shyamal Mondal
Ms. Somdyuti Parekh

...for the petitioner.

Mr. Joydeep Roy, Jr. Govt. Adv.
Ms. Eshita Dutta

...for State.

Mr. Somnath Adhikary

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated July 31, 2024, passed by a co-ordinate Bench in CRM (DB) 2297 of 2024, whereby other accused persons were enlarged on bail. The petitioner says that he stands on a better footing than those accused persons.
2. While opposing the prayer for bail learned Advocates for the State and the *de facto* complainant, in their usual fairness, do not dispute that this petitioner is similarly circumstanced as those accused persons, who were granted bail by the order dated July 31, 2024, in CRM (DB) 2297 of 2024.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Uttam Rajbhar** 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 Additional Chief Metropolitan Magistrate-I, Calcutta, 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Shyampukur Police Station except for the purpose of attending Court proceedings and shall report to the Officer-in-Charge of Shyampukur Police Station, once in a week until further orders.
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) 2623 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)