

CRM (DB) 2636 of 2024

In re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tamluk Police Station Case No. 699 of 2016** dated **25.09.2016**, under **Sections 395/397** added with **Section 412** of the Indian Penal Code.

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In the matter of : Sk. Nasir @ Laltu.

.... petitioner.

Mr. Amal Krishna Samanta,

... For the petitioner.

Mr. Joydeep Roy,

Ms. Suveni Banerjee,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner is in custody for about 8 years. He claims parity citing an order dated December 18, 2023, passed in CRM (DB) 4355 of 2023, whereby a co-ordinate Bench enlarged on bail a co-accused person namely, Mujid Sardar, on the ground that that person was already in custody for more than 7 years and the offence even if established would not attract mandatory life imprisonment. The petitioner says that he is standing on the same footing as Mujid Sardar.
2. Learned State advocate, while opposing the prayer for bail says that 20 out of 21 prosecution witnesses have already been examined. However, in his usual fairness, he does not dispute that this petitioner is similarly circumstanced as Mujid Sardar.
3. Hence, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Sk. Nasir @ Laltu** shall be released on bail upon furnishing a bond of

Rs.10,000/-, with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur at Tamluk and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

5. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)