

06.09.2024
Item no. 13.
Court No.28.
AB
(Allowed)

CRM (DB) 2658 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Parnasree Police Station Case No.22 of 2020 Dated 18.01.2020 under Section 395/120B of the Indian Penal Code

And

In the matter of : Bishal Kr Pandey @ Bishal Kumar Pandey

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bosefor the Petitioner.

Mr. Joydeep Roy,
Ms. Sima Biswasfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated July 15, 2024, passed by the Hon'ble Supreme Court, on a Special Leave Petition filed by a co-accused person, whereby that person was granted bail on the ground of delay in progress of the trial. The petitioner says that he stands on the same footing. He is in custody for four years seven months.
2. Learned Advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that insofar as detention is concerned, this petitioner stands on the same footing as the other accused person, who was enlarged on bail by the Hon'ble Supreme Court.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Bishal Kr. Pandey @ Bishal Kumar Pandey** 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, Alipore, 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 Anti Rowdy Squad, Kolkata Police 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)

