

06.09.2024
Item no. 15.
Court No.28.
AB
(Allowed)

CRM (DB) 2676 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 Saktipur Police Station Case No.87 of 2024 Dated 29.03.2024 under Section 341/324/325/307/302/34 of the Indian Penal Code

And

In the matter of : Chhatem Sk. & Anr. Petitioners.

Md. Abdur Rakib,
Mr. Somnath Majumdarfor the Petitioners.

Mr. Partha Pratim Das,
Mr. Dipankar Pramanick.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated August 6, 2024, passed by a Coordinate Bench in CRM (A) 2669 of 2024, whereby a co-accused person was granted anticipatory bail. The petitioners say that they stand on the same footing as that person.
2. Learned Advocate for the State disputes the submission made by learned Advocate for the petitioners. He shows us the material in the case diary including the statements of witnesses recorded under Section 164 Cr.P.C. as also the seizure list. Insofar as involvement of the accused person in the alleged crime is concerned, we find that these petitioners are similarly circumstanced as Anisur Rahaman, who was granted anticipatory bail by a Coordinate Bench.

3. Hence, we are inclined to allow the present application on the ground of parity.
4. Accordingly, we direct that the petitioners, namely **Chhatem Sk. & Saoul Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/-each, 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, and on further conditions that they 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 petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.)

