

17. 07.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2677 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 **Farakka** Police Station Case No. **62/2023** dated **31.01.2023** under Sections **302/34** of the Indian Penal Code, 1860 read with Sections **25(i)(a)** of the Arms Act & Sections **3/4** of E.S. Act.

And

In the matter of: - **Baidul Sk. @ Hoasain & Anr.**

...petitioners.

Mr. Bibaswan Bhattacharya
Mr. Ziaul Haque

...for the petitioners.

Ms. Faria Hossain, APP
Mr. Shiladitya Banerjee

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing orders dated July 26, 2024 and September 5, 2024, passed in CRM (DB) 2023 of 2024 and CRM (DB) 2639 of 2024, respectively whereby other accused persons were enlarged on bail. The petitioners say that they stand on the same footing as the other accused persons. They pray for bail.
2. While opposing the prayer for bail learned Advocate for the State, in her usual fairness, does not dispute that these petitioners are similarly circumstanced as the other accused persons who have been granted bail, as noted above.
3. Hence, on the ground of parity, we allow the petitioners' prayer for bail.
4. Accordingly, we direct that the petitioners, namely, **1. Baidul Sk. @ Hoasain, 2. Amjad Sk. @ Khaju Sk.** shall be

released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, subject to condition that the petitioners 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 petitioners, while on bail, shall remain within the territorial jurisdiction of Farakka Police Station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in every week, until further orders.

5. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 2677 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)