

18. 07.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2792 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 **Domkal** Police Station Case No. **608/2019** dated **20.8.2019** under Sections **302/34** of the Indian Penal Code, 1860 read with Sections **25/27** of the Arms Act & Sections **3/4** of Explosive Substances Act and Section **9(b)** of I.E. Act.

And

In the matter of: - **Anarul Mondal**

...petitioner.

Mr. Parthapratim Das
Mr. Monojit Chakrabarti

...for the petitioner.

Ms. Faria Hossain, APP
Ms. Sujata Das

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing various orders of this Court whereby 27 out of 44 accused persons have been granted bail. In particular, he relies on an order dated September 5, 2024, passed by a co-ordinate Bench in CRM (DB) 2380 of 2024. The petitioner says that he stands on the same footing as the other accused persons who have been granted bail. He prays for bail.
2. While opposing the prayer for bail learned Advocate for the State, in her usual fairness, does not dispute that this petitioner and the other accused persons who have been enlarged on bail, stand on the same footing.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Anarul Mondal** 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 Chief Judicial Magistrate, Murshidabad at Berhampore, 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 leave the territorial jurisdiction of Domkal Police Station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in a fortnight, 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) 2792 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.)