

06.09.2024
Item no. 21.
Court No.28.
AB
(Allowed)

CRM (DB) 2830 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 Gariahat Police Station Case No.13 of 2021 Dated 9.1.2021 under Section 397/379/34/395/120B of the Indian Penal Code

And

In the matter of : Alamgir Khan @ Chotu & Anr.

.....Petitioners.

Mr. Apalak Basu
Ms. Sanghamitra Mridhafor the Petitioners.

Ms. Faria Hossain
Mr. MFA Beggfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated July 19, 2024, passed by a Coordinate Bench, in CRM (DB) 1963 of 2024, whereby another accused person being Firoz Mollick was enlarged on bail, solely on the ground of delay in progress of the trial. In that case, the petitioner was in custody for about three years and one month. In the present case, the petitioners are in custody for 3 years 7 months. They say that they stand on a better footing than Firoz Mollick.
2. While opposing the prayer for bail, learned State Counsel, in her usual fairness, does not dispute that insofar as the period of detention and delay in trial is concerned, the present petitioners are similarly

circumstanced as Firoz Mollick, who has been granted bail.

3. Hence, on the ground of parity, we allow this application.
4. Accordingly, we direct that the petitioners, namely **Alamgir Khan @ Chotu and Nasimuddin Khan @ Nasim** 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, Alipore, South 24 Parganas, and on further conditions that they shall not leave the jurisdiction of the Bagnan police station except for the purpose of attending court proceeding and shall report to the Anti Dacoity Section, Lalbazar once in a week 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.)