

06.09.2024
Item no. 22.
Court No.28.
AB
(Allowed)

CRM (DB) 2874 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 Bhadreswar Police Station Case No.496 of 2022 Dated 14.9.2022 under Section 302/201/34 of the Indian Penal Code

And

In the matter of : Dharmendra Bhagat Petitioner.

Mr. Arunabha Ganguly for the Petitioner.

Ms. Z. A. Khan

Mr. Samarjit Balial for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated August 5, 2024, passed in CRM (DB) 2283 of 2024, whereby a Coordinate Bench granted bail to the principal accused, Shiv Kumar Harijan, on the ground of delay in trial. The petitioner says that he stands on better footing since he is in custody for a longer period of time i.e. from December 6, 2022.
2. While opposing the prayer for bail, learned State Counsel, in her usual fairness, does not dispute that insofar as delay in trial is concerned, the petitioner stands on the same footing as Shiv Kumar Harijan, who has been enlarged on bail.
3. Hence, on the ground of parity, we allow this application.

4. Accordingly, we direct that the petitioner, namely **Dharmendra Bhagat** 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 Additional Chief Judicial Magistrate, Chandannagore, Hooghly, 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 concerned police station 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.)

