

21. 07.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2877 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 **Parnasree** Police Station Case No. **22/2020** dated **18.01.2020** under Sections **395/120B** of the Indian Penal Code, 1860.

And

In the matter of: - **Avinash Kumar Shaw**

...petitioner.

Mr. Arnab Sinha
Mr. Amartya Basu

...for the petitioner.

Ms. Minoti Gomes
Mr. Atanu Ghosh

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated September 6, 2024, passed in CRM (DB) 2658 of 2024, whereby a co-ordinate Bench enlarged on bail a co-accused person, namely Bishal Kr Pandey @ Bishal Kumar Pandey, on the ground of delay in progress of trial. The petitioner says that he stands on the same footing as Bishal Kr Pandey @ Bishal Kumar Pandey and he is also in custody for more than four years and nine months.
2. While opposing the prayer for bail learned Advocate for the State, in her usual fairness, does not dispute that insofar as delay is concerned, this petitioner is similarly circumstanced as Bishal Kr Pandey @ Bishal Kumar Pandey.
3. Hence, on the ground of parity and on the ground of delay, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Avinash Kumar Shaw** 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, South 24-Parganas at Alipore, 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 the concerned Police Station and shall report to the Officer-in-Charge of the Anti Rowdy Squad, Kolkata Police 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) 2877 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.)