

08.10.2024
Item no. 25.
Court No.28.
AB
(Allowed)

CRM (DB) 2883 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 Berhampore Police Station Case No. 1564 of 2023 Dated 30.10.2023 under Section 394 of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

In the matter of : Motirul Sk.

.....Petitioner.

Mr. A. A. Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun for the Petitioner.

Ms. Baishali Basu,
Mr. Amanul Islam for the State.

Dictated by Arijit Banerjee, J.

1. Report filed on behalf of the State, be kept with the records.
2. The petitioner claims parity citing an order dated July 9, 2024, passed in CRM (DB) 1899 of 2024, whereby a co-accused person was enlarged on bail. He says that he stands on the same footing as that person. He prays for bail.
3. While opposing the prayer for bail, learned State Counsel, in her usual fairness, does not dispute that this petitioner and the co-accused person, who has been enlarged on bail, as mentioned above, are similarly circumstanced.

4. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Motirul Sk.** 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 Chief Judicial Magistrate, Murshidabad, and on further conditions that he 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.)

(Apurba Sinha Ray, J.)

