

23. 06.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 2902 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 **Kharagpur Town** Police Station Case No. **455/2023** dated **29.9.2023** under Sections **397/326/307/120B** of the Indian Penal Code, 1860 read with Sections **25/27** of the Arms Act, 1959.

And

In the matter of: - **Prakash Kumar**

...petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

...for the petitioner.

Mr. Bibaswan Bhattacharya
Mr. Arup Sarkar

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity. He says that the learned Trial Court has enlarged other accused persons on bail. He stands on the same footing as those accused persons.
2. While opposing the prayer for bail learned Advocate for the State, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as those accused persons, who were granted bail by the learned Trial Court.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Prakash Kumar** 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 Additional Chief Judicial

Magistrate, Kharagpur, Paschim Medinipur, 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 geographical limits of the district of Paschim Medinipur and shall furnish his present address to the Officer-in-Charge of Kharagpur Town Police Station and shall also report to the Officer-in-Charge of Kharagpur Town Police Station, once every 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) 2902 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)