

16.
28-11-2024
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3176 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Chanditala Police Station Case No. 269** of **2019** dated **25.06.2019** under **Sections 302/34** of the Indian Penal Code 1860.

And

In the matter of : Kartick Dutta @ Kartik Dutta.
.....Petitioner.

Mr. Navanil De,
Ms. Shoumilya Mazumder,for the Petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Rajashree Tah,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated August 21, 2024, passed in CRM (DB) 2212 of 2024, whereby a co-accused person, Paresh Biswas was enlarged on bail on the ground of prolonged detention in custody and inadequate progress in trial. The petitioner says that he stands on the same footing. He is in custody for more than 5 years.
2. While opposing the prayer for bail, learned APP, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Paresh Biswas in so far as the delay in progress of trial is concerned.
3. Hence, on the ground of parity, we allow the petitioner's prayer.
4. Accordingly, we direct that the petitioner, namely, **Kartick Dutta @ Kartik Dutta**, 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, Serampore, Hooghly subject to the 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.

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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)