

08.10.2024
Item no. 39.
Court No.28.
AB
(Allowed)

CRM (DB) 3157 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 Baishnabnagar Police Station Case No.741 of 2023 Dated 23.10.2023 under Section 489B/489C/120B/34 of the Indian Penal Code

And

In the matter of : Abdul Rouf @ Sk. Rouf Ali
.....Petitioner.

Md. Wasim Akramfor the Petitioner.

Ms. Rituparna De Ghosh
Mr. Bikram Mitrafor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing orders dated March 19, 2024, passed in CRM (DB) 854 of 2024 and dated September 5, 2024, passed in CRM (DB) 2709 of 2024, whereby co-accused persons were enlarged on bail. He says that he stands on the same footing as those persons. He prays for bail.
2. While opposing the prayer for bail, learned State Counsel, in her usual fairness, does not dispute that this petitioner and the co-accused persons, who have been enlarged on bail, as mentioned above, are similarly circumstanced.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Abdul Rouf @ Sk. Rouf Ali** 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, Malda 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 and on condition that he shall remain within the jurisdiction of local police station and report to the Officer in charge of the said police station once in a week until further orders.
5. 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.
6. The application for bail is, accordingly, allowed.
7. 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.)

