

CRM (DB) 3190 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 **Hare Street Police Station Case No. 260 of 2022** dated **13.09.2022**, under **Sections 120B/417/419/420/466/467/468/471/474** of the Indian Penal Code.

- A n d -

In the matter of : Sourabh Agarwal.

.... petitioner.

Mr. Sandipan Ganguly,
Mr. Satadru Lahiri,
Mr. Karan Dudwala,
Mr. Jyotirmoy Talukder,

... For the petitioner.

Mr. Debasis Roy, Ld. P.P.,
Mr. Rudradipta Nandy, Ld. APP,
Ms. Sanjana Saha,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated September 2, 2024, passed by the Hon'ble Supreme Court on a Special Leave Petition carried to the Hon'ble Court by a co-accused person by the name of Mahesh Fogla. The order of the Hon'ble Supreme Court reads as follows :

"Leave granted.

It has been informed that out of 46 witnesses, only 29 witnesses have been examined. The appellant has been in incarceration for 642 days.

Considering the above, we are inclined to set aside the impugned order.

Accordingly, the impugned order is set aside and the appellant is granted bail on

terms and conditions to the satisfaction of the trial Court.”

2. The petitioner says that he stands on the same footing as the said Mahesh Fogla. He is in custody for the same duration. Only 29 out of 46 witnesses have been examined.
3. Learned advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that in so far as the status of the trial and period of detention of the petitioner is concerned, he is similarly circumstanced as the said Mahesh Fogla who has been enlarged on bail by the Hon’ble Supreme Court.
4. On the ground of parity, we allow this application for bail.
5. Accordingly, we direct that the petitioner, namely, **Sourabh Agarwal** 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, Calcutta and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. 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.
7. 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.

8. The application for bail is, accordingly, allowed.

9. 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.)