

27.11.2024
Item no. 03.
Court No.29.
AB
(Allowed)

CRM (DB) 3511 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 Behala Police Station Case No.226 of 2019 Dated 25.07.2019 under Section 302/34/394 of the Indian Penal Code

And

**In the matter of : Rajab Ali Sardar
@ Rajab Ali @ Md. Rajab Ali & Anr.**

.....Petitioners.

Mr. Manojit Debnathfor the Petitioners.

Mr. Anand Keshri,
Ms. Rajashree Tahfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated August 21, 2024, passed in CRM (DB) 2191 of 2024, whereby this Bench granted bail to a co-accused person on the ground of inordinate delay in progress of the trial.
2. The petitioners say that they stand on the same footing as the co-accused person and have also been in judicial custody for about five years and three months.
3. Learned Advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that these petitioners are similarly circumstanced as the

co-accused person, who was granted bail by us on August 21, 2024.

4. Hence, on the ground of parity, we allow this application for bail.
5. Accordingly, we direct that the petitioners, namely **RAJAB ALI SARDAR @ RAJAB ALI @ MD. RAJAB ALI** and **SK. SULTAN @ SURTAN** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24 Parganas, and on further conditions that they shall not leave the jurisdiction of the District South 24 Parganas and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioners 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.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)