

CALCUTTA HIGH COURT
Appellate Side

Court
No.8
Sl.10
Ssi/jayanta

C.R.M. (DB) 3555 of 2024

22.10.
2024

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 corresponding to erstwhile Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Bowbazar Police Station Case No.191 of 2020, dated 19.05.2020 under Sections 302/34 of the Indian Penal Code.

In the matter of:-**Sushanta Mondal**

Mr. Joy Chakraborty
Mr. Sandip Dinda
...for the petitioner

Mr. Md. Adil Badr
Ms. Baisakhi Chatterjee
...for the State

This is an application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 corresponding with Section 439 of the Criminal Procedure Code in respect of Bowbazar Police Station Case No. 191 of 2020 dated 19.05.2020 under Sections 302/34 of the IPC.

Learned counsel appearing on behalf of the petitioner prays for grant of bail on the ground of parity. He submits that the petitioner is on the same footing as a co-accused Sk. Chand @ Chand who was granted bail by a Co-ordinate Bench of this Court on 27.09.2024 in CRM

(DB) 2595 of 2024.

Learned counsel appearing on behalf of the State opposes the prayer and submits that it was unfortunately not pointed out before the Co-ordinate Bench that the accused had also prayed for adjournment on eight occasions during trial.

It is unfortunate that the petitioner has to remain in custody without completion of trial for more than four years and four months.

On the ground of parity with the co-accused who was earlier granted by a Co-ordinate Bench of this Court, we are inclined to allow the petitioner's application for bail.

Let the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM at Calcutta subject to the conditions that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall appear before the learned trial Court regularly during trial.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it shall be open to the trial Court to cancel the bail without any further reference to this Court.

Criminal Section is directed to provide certified copy

of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)