

22.
14-11-2024
(ct. no.01)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 609 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 **Nagrakata Police Station Case No. 76 of 2024** dated **27.05.2024** under **Sections 448/342/325/302/34 and 120B** of the Indian Penal Code.

And

In the matter of : Krishna Gowala & Ors.

.....Petitioners.

Mr. Arijit Ghosh, Sr. Adv.
Ms. Angana Rakshit,
Ms. Rikta Sarkar,for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra,for the State.

Mr. Raja Rej, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity. They cite an order dated November 11, 2024, passed in CRM (DB) 557 of 2024, whereby this Bench granted bail to a co-accused person i.e. Karan Gowala. The petitioners say that they are similarly circumstanced as that person.
2. Learned State advocate vehemently opposes the prayer for bail. He says that these petitioners do not stand on the same footing as Karan Gowala. These petitioners were the main persons who hatched a conspiracy and murdered the victim

in cold blood. There is clinching evidence against these petitioners.

3. The prosecution may have an iron cast case against the petitioners. Nobody stops the prosecution from securing their conviction so that they can be punished in accordance with law. However, we find that trial is yet to begin. The petitioners have been in custody for 172 days. There are 24 chargesheet named witnesses. There is little possibility of the trial concluding on an early date.
4. We also find that witnesses have recorded statements naming these three petitioners and also Karan Gowala as the assailants. Therefore, the petitioners may be entitled to claim parity.
5. For the aforesaid reasons, we are inclined to allow the petitioners' prayer for bail
6. Accordingly, we direct that the petitioners, namely, **Krishna Gowala, Mukesh Gowala @ Gope and Sundarjeet @ Sundarjeet Oraon**, 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, Jalpaiguri subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners

while on bail shall not enter the jurisdiction of Nagrakata Police Station and shall provide their current address where they will reside to the officer-in-charge of the concerned police station and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

7. 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 in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)