

39.
19-02-2025
(ct. no.29)
S. De
(**Allowed**)

CRM (DB) 82 of 2025

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 **Mothabari Police Station Case No. 187** of **2020** dated **19.05.2020** under **Sections 302/34** of the Indian Penal Code.

And

In the matter of : Mir Rejaul Ali.Petitioner.

Md. Wasim Akram,for the Petitioner.

Ms. Faria Hossain,
Mr. Subham Bhakat,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated December 17, 2024, passed by us in CRM (DB) 3030 of 2024, whereby we had granted bail to an accused person by the name of Mir Jumman Ali, primarily, on the ground of delay in trial and lengthy detention of that person in judicial custody. The petitioner says that he stands on the same footing. He is in custody for about 4 years and 9 months.
2. While opposing the prayer for bail, learned State advocate, in his usual fairness, does not dispute that the petitioner and the said Mir Jumman Ali are similarly circumstanced in so far as the issues of delay in trial and period of detention are concerned.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Mir Rejaul 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, subject to the condition 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 in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the jurisdiction of the Mothabari Police Station and shall meet the Officer-in-Charge of the Mothabari police station once in a fortnight 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)