

44. 04.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 178 of 2025

In Re: - An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, arising out of **English Bazar**
Police Station Case No. **1365/2024** dated **25.09.2024** under
Sections **179/180** of Bharatiya Nyaya Sanhita, 2023. the Indian
Penal Code, 1860 read with Sections **25/27** of the Arms Act,
1959, adding Sections **395/411** of the Indian Penal Code.

And

In the matter of: - **WAHED RAJA**

...petitioner.

Mr. Arup Kumar Bhowmick

...for the petitioner.

Ms. Zareen N. Khan

Mr. Anindya Sundar Chatterjee

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 11, 2024, passed in CRM (DB) 3696 of 2024, whereby a co-ordinate Bench enlarged on bail a co-accused person by the name of Akbar Ali, since no FICN was recovered from that person. This petitioner says that there was no recovery from him either and he stands on the same footing as Akbar Ali.
2. Learned Counsel for the State, while opposing the prayer for bail, in her usual fairness, does not dispute that this petitioner is similarly circumstanced as the said Akbar Ali.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **WAHED RAJA**, shall be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten Thousand) 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 condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 178 of 2025 is accordingly disposed of.
7. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)