

18.03.2025

Item no.34.

Court No.29.

S. De
(Allowed)

CRM (DB) No. 268 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baishnabnagar Police Station Case No. 38 of 2024** dated **11.01.2024** under **Section 395/397/412** of the Indian Penal Code.

And

In the matter of : Ali Akbar @ Ali Akabar. ...Petitioner.

Mr. Kalidas Saha,

Mr. Khushi Mollick,

Ms. Mandira Mandal,for the Petitioner.

Mrs. Amita Gaur, Sr. Govt. Adv.

Ms. Suchismita Dutta,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated September 12, 2024, passed in CRM (DB) 2891 of 2024, whereby a co-ordinate Bench enlarged a co-accused person by the name of Shis Mohammad @ Sish Mohammad on bail. The petitioner says that he stands on the same footing as that person.
2. While opposing the prayer for bail, learned State advocate, in her usual fairness, does not dispute that this petitioner is similarly circumstanced as the said Shis Mohammad @ Sish Mohammad.
3. Hence, on the ground of parity, we allow this application for bail.
4. Accordingly, we direct that the petitioner, namely, **Ali Akbar @ Ali Akabar** 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 and on further conditions that the petitioner 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.

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.)