

05. 03.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 489 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Thakurpukur** Police Station Case No. **233/2019** dated **23.10.2019** under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of: - **RABI DAS**

...petitioner.

Mr. Kallol Kumar Basu
Mr. Raja Adhikary
Mr. Mrinal Das
Mr. Md. Jannat ul Firdous
Ms. Ruksar Parveen

...for the petitioner.

Mr. Subhamoy Bhattacharya
Mr. Sharequl Haque

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 28, 2024, passed in CRM (DB) 2835 of 2024, whereby a co-ordinate Bench had enlarged on bail a co-accused person by the name of Ashoke Roy @ Ashoke Ray, solely on the ground of delay in progress of the trial and prolonged detention of that accused person. That accused person had been in custody for five years and one month. The petitioner says that he is in custody for more than five years and four months. He stands on the same footing as Ashoke Roy @ Ashoke Ray insofar as the period of detention and delay in trial are concerned.
2. Leaned Advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that insofar as the period

of detention and delay in trial are concerned, this petitioner is similarly circumstanced as the said Ashoke Roy @ Ashoke Ray.

3. Hence, on the ground of parity, we are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **RABI DAS**, 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, South 24-Parganas at Alipore, 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 and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of concerned Police Station (jurisdiction of the learned Trial Court) and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of the Thakurpukur Police Station as well as to the learned Trial Court and shall also meet the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station within whose jurisdiction he shall be presently residing once in every fortnight, until further orders.
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) 489 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.)