

05.03.2025
Item no. 10.
Court No.29.
AB
(Allowed)

CRM (DB) 452 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No.496 of 2017 Dated 04.07.2017 under Sections 395/397/412 of the Indian Penal Code read with Sections 27/35 of the Arms Act

And

**In the matter of : Md. Abdul Hamid @ Hamid Sk.
@ Ali @ Hamid Ali & Anr.
.....Petitioners.**

Mr. S. Das Mahapatra,
Mr. Supriyo Das,
Mr. R. Halderfor the Petitioners.

Mr. Bitoshok Banerjee,
Ms. Suchismita Duttafor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated March 3, 2025, passed in CRM (DB) 561 of 2025, whereby this Bench enlarged on bail a co-accused person by the name of Atiur Rahaman @ Dilwar, solely on the ground of very long detention of that person. That person was in custody for about seven years and seven months. The present petitioner no.1 is in custody for seven years three months and the petitioner no.2 is in custody for seven years six months.
2. Therefore, we see that the present petitioners are similarly circumstanced as the said Atiur Rahaman insofar as the issues of delay in trial and period of detention are concerned.
3. Hence, without touching the merits of the case and solely on the ground of parity as also on the touchstone

of Article 21 of the Constitution of India, we feel constrained to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners, namely **MD. ABDUL HAMID @ HAMID SK. @ ALI @ HAMID ALI** and **MD. JAHEDUL SK. @ JAHIDUL SK. @ LATTHA** 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, Malda, and on further conditions that while on bail, they shall remain within the territorial jurisdiction of Kaliachak Police Station except for the purpose of attending Court proceedings and further investigation, if any, and shall furnish their present address to the Inspector in Charge /Officer in Charge of the said police station and shall also meet the Inspector in Charge /Officer in Charge of the said police station once in a week until further orders.
5. 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 and/or commit any cognizable offence in any manner whatsoever.
6. 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.
7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)