

CRM (DB) 490 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Palashipara Police Station** Case No. **33 of 2023** dated **25.01.2023** under Sections **365/376/34/376D** of the Indian Penal Code.

- A n d -

In the matter of : Rakesh Biswas @ Apa

.... Petitioner.

Mr. Jaydeep Biswas,
Mr. A. Mandal,
Mr. K. Ghosh,

... For the Petitioner.

Mr. Rana Mukherjee,
Ms. B. Chatterjee,

... For the State.

Mr. Soumik Mondal,

.... For the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated January 27, 2025 passed by a coordinate bench in CRM (DB) 4059 of 2024, whereby a co-accused person by the name of Ajijul Sekh was enlarged on bail primarily on the ground of delay in progress of trial and considering the period of detention of one year eight months. The petitioner says that he is in custody for few days short of two years. He stands exactly on the same footing as Ajijul Sekh. The allegations have been made jointly against Ajijul Sekh and this petitioner.

2. While opposing the bail prayer, learned Advocates for the State and the defacto complainant, in their usual fairness do not dispute that this petitioner and Ajijul Sekh are similarly circumstanced in so far as the period of detention and delay in progress of trial are concerned.

3. Hence, on the ground of parity, we enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Rakesh Biswas @ Apa**, 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 A.C.J.M, Tehatta, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 concerned police station except for the purpose of attending court proceedings and shall meet the I.C of the said 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.

(**Prasenjit Biswas, J.)**

(**Arijit Banerjee, J.)**