

06. 04.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 590 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kalna** Police Station Case No. **174/2018** dated **24.04.2018** under Sections **394/397** of 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: - **CHANDAN MAJHI @ CHNADU @ AJAY**

...petitioner.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

...for the petitioner.

Mr. Bibaswan Bhattacharya
Mr. Atanu Ghosh

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 6, 2024, passed by a co-ordinate Bench in CRM (DB) 3221 of 2024, whereby a co-accused person by the name of Lipon Roy @ Ripon was enlarged on bail, solely on the ground of delay in progress of trial and prolonged detention of that accused person. That accused person had been in custody for more than five years. The petitioner says that he is similarly circumstanced. He is in custody for more than six years. There has been no progress in the trial since the order dated November 6, 2024, was passed by the co-ordinate Bench enlarging Lipon Roy @ Ripon on bail.
2. Leaned Advocate for the State, says that 11 witnesses have already been examined. Three more witnesses will be examined by the prosecution who are all Investigating Officers of the case.

The charge is of Bank robbery. At this stage bail should not be granted.

3. We find that this petitioner is similarly circumstanced as the aforesaid Lipon Roy @ Ripon insofar as the period of detention and delay in progress of trial are concerned.
4. Hence, on the ground of parity, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **CHANDAN MAJHI @ CHNADU @ AJAY**, 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 Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman, 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 Pandua Police Station except for the purpose of attending Court proceedings and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of Kalna Police Station as well as to the learned Trial Court and shall also meet the Inspector-in-Charge/Officer-in-Charge of Pandua Police Station, once in a week, until further orders.

6. 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.
7. The application for bail being CRM (DB) 590 of 2025 is accordingly disposed of.
8. 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.)