

23.04.2025

Item No.71

Ct.No.34

rc.

Allowed

C.R.M. (DB) 813 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Daspur Police Station Case No. 93 of 2022 dated 09.03.2022 under Sections 302/201 of the Indian Penal Code adding Sections 379/411/120B of the Indian Penal Code and Charges were framed under Sections 120B/397/302/201/34 of the Indian Penal Code.

And

In Re : **Sk. Mahibul Islam**

... Petitioner

Mr. Soumyajit Das Mahapatra

Ms. Madhurai Sinha

... for the Petitioner

Ms. Puspita Saha

... For the State

Heard learned counsels for the parties.

The petitioner seeks parity with co-accused Sk. Shamim Ahammed in so far as the period of detention is concerned. The co-accused was granted bail after detention of more than 2 years and 11 months. The petitioner is in custody for more than 3 years.

Learned counsel for the State produces the Case Diary and opposes the prayer for bail.

Since the petitioner is similarly circumstanced with the co-accused on bail in so far as the period of incarceration is concerned, he is entitled to the same benefit.

Accordingly prayer for bail of the petitioner is allowed.

The petitioner **Sk. Mahibul Islam**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur subject to condition that the petitioner shall remain within the jurisdiction of the Ghatal Police Station and shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)