

15.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 867 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Nabagram Police Station Case No. 213 of 2023 dated 16.06.2023 under Sections 341/325/326/307/302/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

And

In Re : Lalbabu Sk

Mr. Milon Mukherjee
Ali Ahsan Alamgir
Rabia Khatoon
Ms. Soma Mal
Ms. June Modak

... For the Petitioner.

Ms. Sreyashee Biswas
Mr. Raju Mondal

... For the State.

Heard learned counsels for the parties.

The petitioner seeks parity with the co-accused who have been granted anticipatory bail by this Court.

Learned counsel for the State opposes the prayer.

It appears that by an order passed on 18th December, 2023, this Court turned down the prayer of the petitioner on two fold grounds. First, the nature and gravity of the offence and material collected during investigation ought to be taken into consideration and bail ought not to be granted only on the ground of parity. Second, the State informed that the orders granting anticipatory bail to the co-accused would be assailed before the Hon'ble Supreme Court.

Learned counsel for the petitioner produces the orders passed by the Hon'ble Supreme Court dismissing the Special

Leave Petition filed by the State assailing the order granting anticipatory bail.

In view of such fact and also since the petitioner is similarly circumstanced with the co-accused on bail, this Court is inclined to hold that the petitioner be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Lalbabu Sk shall 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, Lalbagh subject to condition that he shall remain outside the jurisdiction of Nabagram police station except for the purpose of appearing before the learned trial Court on every date of hearing. The petitioner shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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 disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)