

19.05.2025

Item No.35

Ct.No.34

rc.

Allowed

C.R.M. (M) 370 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 Asansol South Police Station Case No. 261 of 2019 dated 12.08.2019 under Sections 364A/120B/302/201/34 of the Indian Penal Code.

And

In Re : **Bijay Prasad**

... Petitioner

Mr. Ayan Basu

Mr. Sk. Salim

Mr. Sumit Routh

... for the Petitioner

Mr. Ranabir Roychowdhury

Mr. Ratul Ghosh

... For the State

Petitioner is in custody for more than five years and seeks parity with the co-accused who are on bail.

Learned counsel for the State does not oppose the said fact.

In view of the fact that co-accused similarly circumstanced with the petitioner in so far as the period of detention is concerned are on bail, the petitioner deserves the same benefit solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, prayer for bail of the petitioner is allowed.

The petitioner **Bijay Prasad** 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 Chief Judicial Magistrate, Asansol, Paschim Bardhaman subject to condition that he 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.)