

35.
22-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3244 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Panchasayar Police Station Case No. 20** of **2020** dated **17.03.2020** under **Sections 120B/302** of the Indian Penal Code.

And

In the matter of : Buddhadeb Das @ Raja.
.....Petitioner.

Mr. Biswajit Manna,
Mr. Aditya Tiwari,
Mr. Sourav Bishnu,for the Petitioner.

Mr. Debabrata Chatterjee,
Mr. Mujibar Ali Naskar,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing orders dated September 2, 2024 and January 14, 2025, passed in CRM (DB) 2140 of 2024 and CRM (DB) 3270 of 2024 respectively, whereby bail was granted to two co-accused persons by the name of Susanta Kirtania @ Dholu and Jayanta Chakraborty @ Mona, respectively.
2. Learned advocate for the petitioner says that the petitioner stands on the same footing as those two persons in so far as the period of detention is concerned. The petitioner is in custody for 4 years and 8 months.
3. We see that Susanta Kirtania @ Dholu and Jayanta Chakraborty @ Mona were granted bail on the touchstone of Article 21 of the Constitution of India. To that extent, this petitioner is similarly circumstanced.

4. Learned State advocate, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner stands on the same footing as the aforesaid Susanta Kirtania @ Dholu and Jayanta Chakraborty @ Mona in so far as the period of detention and delay in progress of trial is concerned.
5. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Buddhadeb Das @ Raja** 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 Chief Judicial Magistrate, Alipore, South 24 Parganas subject to the conditions that the petitioner shall not leave the jurisdiction of concerned Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)