

8.
06-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3302 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nabagram Police Station Case No.35 of 2023 dated 06-02-2023 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Mujahar Sk

.... Petitioner.

Mr. Arnab Chatterjee

... For the Petitioner.

Mrs. Faria Hossain, learned APP,
Mrs. Manisha Sharma

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 28, 2024 passed by this Bench in CRM (DB) 2944 of 2024, whereby a co-accused person, namely, Asif Hossain, was enlarged on bail. The petitioner says that he stands on the same footing as that person.

2. While opposing the prayer for bail, learned State counsel, in her usual fairness, does not dispute that the petitioner herein is similarly circumstanced as the aforesaid, Asif Hossain.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Mujahar Sk**, 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 learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. The petitioner shall appear before the learned 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. The petitioner shall not enter the jurisdiction of Nabagram Police Station except for the purpose of attending the court proceedings and shall also furnish the address where he will be residing, to the Officer-in-Charge in whose jurisdiction he will be residing and shall also appear before such Officer-in-Charge once in a fortnight, until further orders.

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

6. The application for bail is, thus, **allowed**.

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

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)