

12.02.2025

DL-46

(Bail *allowed*)

(AD)

CRM (DB) 3666 of 2024

In re : An application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973;/An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with G.R. Case No.292 of 2009 arising out of **Chandrakona** Police Station Case No.**73** of **2009** dated **23.07.2009** under Sections**147/148/149/326/307/302/201** of the Indian Penal Code and Sections **25/27** of the Arms Act and charge sheet being Charge Sheet No.119 of 2014 dated 14.05.2014 submitted under Sections **147/148/149/326/307/302/201** of the Indian Penal Code and Sections **25/27** of the Arms Act.

-And-

In the matter of : Akbar Khan @ Akbar Ali Khan & Anr.

... .. Petitioners

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate

Mr. Kallol Kumar Basu, Advocate

Mr. Anindya Sundar Das, Advocate

Mr. Syed Ali Afzal, Advocate

Md. Jannat ul Firdous, Advocate

Ms. Paramita Mondal, Advocate

Ms. Suva Gayen, Advocate

Mr. Suhotro Palit, Advocate

...for the petitioners

Mr. Partha Pratim Das, Advocate

Mr. Asraf Mandal, Advocate

...for the State

1. Petitioners pray for bail on the ground of parity with the other co-accused who was granted bail by the Coordinate Bench on September 5, 2024 in CRM (DB) 2442 of 2024.
2. Learned Advocate appearing for the State opposes such prayer for grant of bail on the ground of parity. He submits that, the petitioners before us were absconding for sixteen years. The petitioner in the other petition was also absconding for such a period of time. Attention of the Court was not drawn to such fact when the bail was granted.

3. We considered the rival contentions of the parties as also the materials in the case diary.
4. The police case is of July 23, 2009.
5. Police filed charged charge sheet.
6. Both the petitioners before us are senior citizens.
7. Need for keeping the petitioners in custody at this stage in respect of police case of 2009 particularly when the police filed charge sheet is not felt and more particularly in view of the age of both the petitioners.
8. In such circumstances, we grant bail to the petitioners.
9. Accordingly, we direct that the petitioners, namely, **Akbar Khan @ Akbar Ali Khan and Sarfuddin Pramanik**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Chief Judicial Magistrate, Ghatal, Paschim Medinipur**, subject to conditions that the petitioners shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not enter the jurisdiction of Chandrakona Police Station except for the purpose of attending court proceeding and shall provide the address where they shall reside to the Officer-in-Charge of the concerned police station and meet the

Officer-in-Charge of the concerned police station once in a week until further orders.

10. In the event, the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
11. Accordingly, the prayer for bail of the petitioners is **allowed**.
12. **CRM (DB) 3666 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)