

24.02.2025
Ct. No. 26
Item No.138
SB

C.R.M. (DB) No. 3580 of 2024

In Re: - An application for bail under Section 439 of Code of Criminal Procedure / 483 of the B.N.S.S. 2023 in connection with Sutahata P.S. Case No. 335/2023 dated 13.9.2023, under Section 395 of the IPC and Sections 25/27 of the Arms Act.

In the matter of : Hasanur Gazi petitioner

Mr. Anshuman Chakraborty

Mr. S.S. Sahafor the Petitioner

Mr. Asif Dewanfor the State

1. Petitioner prays for bail on the ground of parity with one co-accused namely, Nitai Mondal who was granted bail in CRM (DB) 2507 of 2024 passed on 24.9.2024 by the co-ordinate Bench.
2. Learned counsel appearing for the State opposes the prayer for grant of bail. He submits that petitioner stands implicated in a case of dacoity along with Arms Act. He submits that a sum in excess of Rs.35,000/- was recovered from the possession of the petitioner.
3. Learned counsel appearing for the petitioner submits that a sum of Rs.6,000/- was recovered from Nitai Mondal who was granted bail by the co-ordinate Bench.
4. Nitai Mondal sought bail from co-ordinate Bench on the ground of parity of another co-accused namely, Atiar Sk. @ Atar Ali who was granted such facility on 05.2.2025 passed in CRM (DB) 348 of 2024. Co-ordinate Bench while enlarging Atiar Sk.@ Atar Ali on bail in CRM (DB) 348 of 2024 passed on 05.2.2024 rejected the prayer of two other co-accused from whom recovery of stolen articles were made. No stolen articles were recovered from Atiar Sk. and, therefore, co-ordinate Bench proceeded to grant bail to such co-accused.

5. Nitai Mondal relying upon grant of bail to Atiar Sk. sought bail and obtained the same on 24.9.2024. The plea of no recovery of any amount from Nitai Mondal was not recorded in such order. It is contended on behalf of the petitioner that such fact was drawn to the notice of the Court.
6. Be that as it may, co-ordinate Bench in Nitai Mondal proceeded to grant bail on the ground of parity with Atiar Sk.
7. Ground of parity with Atiar Sk. so far as the petitioner before us is concerned is not available to the petitioner. Petitioner is not seeking bail on the ground of parity with Atiar Sk. No recovery was made from Atiar Sk. while stolen cash was recovered from the petitioner.
8. To succeed on the plea of parity, petitioner needs to be at par with both Atiar Sk. as well as Nitai Mondal as Nitai Mondal was granted bail on parity with Atair Sk. Petitioner is admittedly not at par with Atiar Sk. petitioner is at par with two co-accused whose prayers for bail were rejected when Atiar Sk. was granted bail.
9. In such circumstances, we are not inclined to grant bail to the petitioner.
10. C.R.M (DB) 3580 of 2024, is accordingly rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)