

02.01.2025
Item no. 05.
Court No.29.
AB
(Allowed)

CRM (DB) 3689 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bally Police Station Case No.56 of 2023 Dated 24.05.2023 under Section 363 366A/376/465/468/506/120B/182/211 of the Indian Penal Code

And

In the matter of : Manish Sharma Petitioner.

Mr. Raj Sharmafor the Petitioner.

Ms. Anasuya Sinha, Id. APP
Mr. Dipankar Paramanik.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 588 days. Only 1 out of 11 charge sheet named witnesses has been examined till date, that too, in part. He claims parity citing an order dated December 9, 2024, passed by this Bench in CRM (DB) 3183 of 2024, whereby a co-accused person was enlarged on bail on the touchstone of Article 21 of the Constitution of India. The petitioner says that he stands on the same footing as that person.
2. Learned State Advocate, while opposing the prayer for bail, in her usual fairness, does not dispute that this petitioner stands on the same footing as Swati Sharma, a co-accused person, who was granted bail by the aforesaid order dated December 9, 2024, insofar as the delay in progress of trial and the period of detention is concerned.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **MANISH SHARMA** 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, Howrah, and on further condition that he shall remain within the jurisdiction of Posta Town Police Station except for attending Court proceedings until further orders.
5. 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 and/or commit any cognizable offence in any manner whatsoever.
6. 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.
7. The application for bail is, accordingly, allowed.
8. 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.)

