

07. 29.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3999 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kandi** Police Station Case No. **526/2022** dated **17.09.2022** under Sections **302/201/120B/34** of the Indian Penal Code.

And

In the matter of: - **Sohidul Sk**

...petitioner.

Mr. Mr. Kallol Kr. Basu
Mr. Md. Jannat ul Firdous

...for the petitioner.

Mr. Madhusudan Sur, APP
Ms. Shiladitya Banerjee

...for State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records. We find that eight out of 29 charge-sheet named witnesses have been examined.
2. The petitioner is in custody for more than two years and four months. The Hon'ble Supreme Court, by an order dated November 4, 2024, in Criminal Appeal No. (@SLP (CRL.) No. 6660/2024 (*Akbar Sk. v. The State of West Bengal*) was pleased to grant bail to a co-accused person in view of the fact that he had been in custody for approximately one year and eight months and the case was based on circumstantial evidence coupled with the fact that there was bound to be delay in completion of the trial.
3. We find that the present petitioner is similarly circumstanced as that person, namely, Akbar Sk., to whom

the Hon'ble Supreme Court granted bail, insofar as the period of detention and delay in trial are concerned.

4. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Sohidul 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 the learned Additional District & Sessions Judge, Kandi, Murshidabad, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 3999 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)