

17.02.2025
Item No.58
Court No.26
Allowed
CHC

CRM (DB) 3971 of 2024

In re : An Application for **Bail** under Section **483** of Bharatiya
Nagarik Suraksha Sanhita 2023 (Corresponding to Section 439
of the Code of Criminal Procedure) in connection with **Baruipur**
Police Station Case No. **1766/2022** dated **16.11.2022** under
Sections **302/201/120B** of the Indian Penal Code.

-And-

In the matter of : Rup Chand Mir

... ... Petitioner

Mr. Angshuman Chakraborty, Advocate

Mr. S. S. Saha, Advocate

... ... For the Petitioner

Ms. Sreyashee Biswas, Advocate

Ms. Eshita Dutta, Advocate

... ...For the State

Mr. Omar Faruk Gazi, Advocate

Mr. Akashdeep Mukherjee, Advocate

... For the de facto complainant

1. Petitioner is in custody for seven months.
2. Petitioner prays for bail on the ground of parity with the other
co-accused who was enlarged on bail by the coordinate Bench
on March 24, 2023 passed in C.R.M.(DB) 1083 of 2023.
3. Learned advocate appearing for the State submits that,
petitioner cannot claim parity with the other co-accused since
the petitioner was absconding for a considerable period of
time.
4. Coordinate Bench while granting bail to the co-accused noted
that there were two persons who claimed to be eyewitnesses,
none of whom named the co-accused as involved in the
incident of murder. Similar is the situation so far as the
petitioner is concerned.

5. In such circumstances, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner **Rup Chand Mir** 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, Alipore, South 24 Parganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Baruipur Police Station and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-Charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.
7. In the event, the petitioner fails 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.
8. The prayer for bail of the petitioner is **allowed**.
9. CRM(DB) 3971 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)