

41. 15.01.2025
Court
No.29 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3992 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 **Hanskhali** Police Station Case No. **327/2022** dated **10.04.2022** under Sections **376(D)/302/201/34** of the IPC, 1860 and Section **6** of the **POCSO** Act.

And

In the matter of: - **Akash Barai @ Tarak.**

...petitioner.

Mr. Arindam Jana,
Mr. Asraf Mondal,
Mr. A. Sengupta

...for the petitioner.

Mr. Amajit De, Spl. PP. CBI.,

...for the CBI.

Dictated by Arijit Banerjee, J.

1. Affidavit-of-service filed in court today be kept with the records.
In spite of service, nobody appears for the *de-facto* complainant/victim.
2. Status report filed by the State be kept with the records.
3. The petitioner claims parity citing an order dated November 12, 2024 passed by a co-ordinate bench in CRM (DB) 3512 of 2024, whereby a co-accused person by the name of *Dipta Gayali* was enlarged on bail. The petitioner says that he stands on the same footing as *Dipta Gayali*.

4. While opposing the prayer for bail, learned advocate for the CBI, in his usual fairness, does not dispute that the present petitioner and the said *Dipta Gayali* are similarly circumstanced.
5. Hence, on the ground of parity, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we **allow** the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **Akash Barai @ Tarak** 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 learned *Judge, Special Court, POCSO Act, Ranaghat, Nadia*. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the district of *Nadia* except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Office of the DIG, CBI, SCB at Salt Lake, Sector-I, CGO Complex, Kolkata as well as the trial court, until further orders. Prior to his release, he shall deposit his passport, if any, with the trial court. He shall not indulge any dilatory tactics including deferment of cross-examination of witnesses present. The petitioner shall report/meet to the Officer-in-

Charge/Inspector-in-Charge of *Ranaghat* Police Station once in every fortnight, until further orders.

8. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
9. The application for bail being CRM (DB) 3992 of 2024 is, thus, disposed of.
10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
11. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Ajay Kumar Gupta, J.)