

58. 20.01.2025  
Court  
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4133 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 **Purba Jadavpur** Police Station Case No. **29/2017** dated **08.03.2017** under Sections **328/376(D)/354C/506/34** of the Indian Penal Code.

And

In the matter of: - **Raj Kumar Manna @ Gopal Mann @ Raju**

...petitioner.

Mr. Angshuman Chakraborty

Mr. S.S. Saha

...for the petitioner.

Mr. Joydeep Roy, Jr. Govt. Adv.

Ms. Pallavi Priya Darshi

...for State.

**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. The petitioner claims parity citing an order dated December 9, 2024, passed in CRM (DB) 3451 of 2024, whereby we had granted bail to a co-accused person by the name of Amal Mondal on the touchstone of Article 21 of the Constitution of India as he had been in custody for seven years and nine months. The petitioner says that he stands on the same footing as Amal Mondal as he is in custody for seven years and 10 months.

3. While opposing the prayer for bail learned State Advocate, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Amal Mondal, insofar as the period of detention and delay in progress of trial are concerned.
4. Hence, on the ground of parity and on the touchstone of Article 21 of the Constitution of India, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Raj Kumar Manna @ Gopal Mann @ Raju** 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 Chief Judicial Magistrate, South 24-Parganas at Alipore, 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) 4133 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.)**