

32. 14.02.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 49 of 2025

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 **Khargram** Police Station Case No. **301/2018** dated **20.11.2018** under Sections **341/323/325/326/307/34** of the Indian Penal Code.

And

In the matter of: - **BANKARUL SK @ ABDUL RAFIK @ BAKARUL**

...petitioner.

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

...for the petitioner.

Mr. Subhamoy Bhattacharya
Mr. Nahid Ahmed

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated October 7, 2024, passed by this Bench in CRM (DB) 2446 of 2024, whereby a co-accused person by the name of Bodrul Islam @ Badrul Alam, was enlarged on bail solely on the ground of delay in progress of trial and long period of detention. That accused person was in custody for more than one year and six months. The petitioner says that he is in custody for about two years and two months. Only six out of 18 charge-sheet named witnesses have been examined.
2. While opposing the prayer for bail learned State Advocate, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the said Bodrul Islam @ Badrul

Alam insofar as the delay in progress of trial and period of detention are concerned.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **BANKARUL SK @ ABDUL RAFIK @ BAKARUL** 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 Chief Judicial Magistrate, 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 and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of Khargram Police Station, excepting for the purpose of attending Court proceedings and shall meet the Officer-in-Charge of the said Police Station, once in a week until further orders.
5. 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.

6. The application for bail being CRM (DB) 49 of 2025 is accordingly disposed of.
7. 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.)