

21.02.2025

Serial no. 24

[Dd]

(Bail **Partly Allowed**)

CRM (DB) 4339 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Canning** Police Station Case No. **494 of 2021** dated **25.11.2021** under Sections **302/120B/201/212** of the Indian Penal Code, 1860 & **27/35** of Arms Act and subsequently charge sheet filed charge sheet no. 34 of 2022 dated. 11.2.2022.

-And-

In the matter of : Monirul Sk. & Anr.

... ... Petitioners

*Mr. Avik Ghatak,
Mr. Sandip Dutta,
Mr. Akash Ghosh,
Mr. Joy Chakraborty, Advocates
... ... For the Petitioners*

*Ms. Zareen M. Khan,
Mr. Prakash Mishra,, Advocates
... ...For the State*

1. Two petitioners are seeking bail before us on the ground of parity with co-accused who was enlarged on bail by the Supreme Court and two other co-accuseds who were enlarged on interim bail by the co-ordinate Bench.
2. Interim bail of the co-accused although extended once is subject to final decision of the application for grant of bail. Bail application is yet to be finally decided. So far as the bail granted by the Hon'ble Supreme Court is concerned, it was granted to Saiful Laskar who was found without any criminal incitement amongst others.
3. Bail granted by the High Court to one co-accused namely, Rafique Sk. was cancelled by the Supreme Court on the ground that there were criminal antecedent so far as such co-accused was concerned.
4. Out of the two petitioners before us, there are criminal antecedents so far as second petitioner, namely, Hafijul Rahaman Mondal @ Hajijul is concerned.

5. In such circumstances, we are not inclined to grant bail so far as petitioner no. 2, Hafijul Rahaman Mondal @ Hajijul is concerned. He stands on the same footing as Rafique Sk. whose bail application was cancelled by the Supreme Court.
6. So far as the petitioner no. 1, Monirul Sk is concerned, he stands on the same footing as that of Saiful Laskar who was enlarged on bail by the Supreme Court.
7. Consequently we grant bail to the petitioner no. 1, Monirul Sk.
8. Accordingly, we direct that the petitioner no. 1, Monirul Sk shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore subject to condition that the petitioner no. 1, Monirul Sk shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
9. In the event, petitioner no. 1, Monirul Sk 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.
10. The prayer for bail of the petitioner no. 1, Monirul Sk is allowed.
11. Prayer for bail of the petitioner no. 2, Hafijul Rahaman Mondal @ Hajijul is rejected.
12. CRM (DB) 4339 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)