

10.09.2025
Court No.04
Item No.07
Nandita

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 265 of 2025

In Re: - An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **NJP Police Station Case No. 583 of 2024, dated 15.06.2024** corresponding to Sessions Case No. 304 of 24 under Sections **302/ 120B/ 379/ 323/ 324/ 325/ 307/ 34** of the I.P.C.

And

In the matter of: **Rabin Roy @ Nabin**

....PETITIONER

Mr. Subrata Karmakar,
Ms. Madhumita Sarkar,
Ms. Rinka Chakraborty

...for the Petitioner

Mr. Abhijit Sarkar,
Mr. Chattu Roy,
Mr. Kallol Nag

....for the State

1. An application for bail is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NJP Police Station Case No. 583 of 2024 dated 15.06.2024 under Sections 302/ 120B/ 379/ 323/ 324/ 325/ 307/ 34 of the I.P.C.

2. It is said by the learned Advocate for the petitioner that this petitioner is in custody since 22.06.2024 and in the meantime investigation process has been completed by submitting charge-sheet by the prosecuting agency. It is further contended that six F.I.R. named accused persons were enlarged on bail by the Co-ordinate Bench of this Court and this accused petitioner stands on the same footing with those accused persons who were already granted bail. It is further contended by the learned Advocate that as the

investigation process is over there would be no justification to keep this accused petitioner behind the bar for the sake of custodial interrogation. Moreover, there is no immediate chance of commencement of the trial. So, it is said that this accused petitioner may be enlarged on bail.

3. Learned Advocate for the State raises objection by submitting that the offence involved in this case is heinous in nature and if at this stage this accused petitioner is enlarged on bail then there is every possibility of hampering of the progress of the trial. But it is conceded by the learned Advocate that the investigation process is over by submitting charge sheet by the prosecuting agency and the charge has not yet been framed by the Trial Court and the next date is fixed for framing of charge.

4. It appears that this accused petitioner is in custody since for a considerable period of time and investigation process is over by submitting charge-sheet by the prosecuting agency. Although charge-sheet has been filed by the prosecuting agency but the charge has not yet been framed by the Trial Court.

5. Where other co-accused persons, who stand on a similar or identical footing with the present accused, have already been enlarged on bail, then the rule of parity demands that the benefit of bail ought not to be denied to the present accused, unless there is any distinguishing feature or material circumstance justifying a different treatment. In the instant case, it is not in dispute that six FIR-named accused persons, who were allegedly played roles in the commission of the offence, have already been released on bail by the Co-ordinate Bench of this Court on different occasions. The allegations attributed to the present accused are not distinguishable in severity from those attributed to the co-accused who have already been granted bail. On a comparative assessment of the role ascribed to the accused herein vis-à-vis

the role of the co-accused, it appears that the case of the present accused is on an equal footing with those bailed out accused persons. It is also pertinent to observe that the prosecution has not been able to bring on record any material to show that the present accused stands on a different pedestal, or that his release on bail would in any manner prejudice the investigation, tamper with evidence, or influence the witnesses.

6. Accordingly, when other FIR-named accused persons implicated in the same offence have already been enlarged on bail, there remains no justifiable ground to detain the present accused in custody any further. The principle of parity, coupled with the right to equality and personal liberty, strongly weighs in favour of granting bail to the accused without touching to the merits of the case.

7. Accordingly, **CRM (M) 265 of 2025** is **allowed**.

8. In view of above, the petitioner namely, **Rabin Roy @ Nabin** is enlarged on bail on furnishing a bond of Rs. 20,000/-(Twenty Thousand) with two sureties of Rs. 10,000/- each, one of whom must be local subject to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Jalpaiguri and subject to the conditions 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 the petitioner shall not enter the jurisdiction of the NJP Police Station without permission of the learned Trial Court.

9. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Additional Sessions Judge 2nd Court, Jalpaiguri shall be at liberty to cancel the petitioner's bail in accordance with law, without any further reference to this Court.

10. Urgent Photostat Certified Copy of this order may be supplied to the parties expeditiously, if applied for.

(Prasenjit Biswas, J.)