

25 06.10.2020

Dd/

**CRM 7131 of 2020
with
CRAN 1 of 2020
(Via video conference)**

In Re – An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Panrui Police Station case no. 155 of 2014 dated October 28, 2014 under Sections 147/148/149/188/427/379/436/302/506 of the Indian Penal Code, 1860.

In the matter of : **Khairul Baskar Molla @ Don & Ors.**
.....Petitioners

Mr. Sujoy Sarkar
....for the Petitioners

Mr. Neguive Ahmed, Id. APP
Ms. A. Gour
... ...For the State

The petitioners undertake to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking. Accordingly, the application being CRAN 1 of 2020 stand disposed of.

Learned counsel for the petitioner has drawn our attention to the order passed by a coordinate Bench on 23rd December, 2019 in CRM 11943 of 2019 (In re: Sk. Hannan....petitioner) and submits that the present petitioners stand on the same footing as that of the petitioner in CRM 11943 of 2019.

Learned Additional Public Prosecutor opposes the prayer for anticipatory bail.

We have considered the materials on record. Although there are materials to show that the petitioners were members of the group which indulged in rioting, it is a matter to be decided at the appropriate stage of the proceeding whether the common

object of the unlawful assembly was there to commit murder or not. No specific overt act in killing the victim has been attributed to the petitioners. They were also not named in the FIR and have belatedly been arrayed as accused in the charge-sheet filed in the year 2019. Under such circumstances, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure Code, 1973 and on further condition that they shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)