15.10.2020

CRM 7782 of 2020

Court No. 12
Item No. 20
ss

(anti-bail allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No. 115 of 2020 dated 29.05.2020 under Sections 188/353/333/307/427/34 of the Indian Penal Code.

and

In the matter of: **Ashoke Debnath @ Bapi Debnath & ors.**

…… Petitioners

Mr. Arnab Mukherjee, Advocate

……for the Petitioners

Mr. Rana Mukherjee, Ld. APP
Mr. Santanu Chatterjee, Advocate

…… for the State

Petitioners undertake to affirm and stamp the petition/ application as per Rules within one month of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

The learned Advocate for the petitioners submits that the present case has been launched on the alleged fight over the migrant labourers in a village school after their exile from the state where they were living for their livelihood. It is further submitted that some of the co-accused have already been granted anticipatory bail and therefore, the petitioners stand on the same footing should also be extended the same privilege.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is fairly conceded that a co-accused has been granted anticipatory bail by this Court on the ground of old age.

After hearing the respective submissions and upon perusing the materials on record and the fact that the petitioners stand on the same footing as the co-accused who was granted anticipatory bail, we do not feel that the petitioners should be treated differently than the co-accused.

The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest, the petitioners, be released on bail upon furnishing a bond of Rs.5,000/- (Rupees five 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, 1973.

The application being **CRM 7782 of 2020** accordingly **disposed of.**

(Shampa Sarkar, J.) **(Harish Tandon, J.)**