

CRM 8640 of 2020

(Via Video Conference)

In re : An application under Section 438 of the Code of Criminal Procedure filed on 14.10.2020 in connection with Santipur Police Station Case No. 25 of 2020 dated 14.01.2020 under Sections 302/120B of the Indian Penal Code.

In the matter of : Dipankar Chatterjee @ Dipankar Chattopadhyay

... petitioner

Mr. Soubhik Mitter
Mr. Sabir Ahmed
Ms. Aindrila De.

.....for the Petitioner.

Mr. Swapan Banerjee
Mr. Pradipta Kr. Ganguly.

.....for the State.

The petitioner undertakes to affirm and stamp the petition as per Rules within forty-eight hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Since other co-accused were granted anticipatory bail on 13th October, 2020 and the petitioner is more or less on the same footing as they are, we allow his application for anticipatory bail.

But there is another issue involved. Mr. Banerjee, learned advocate for the State has brought to our notice a proclamation under section 87 of the Code of Criminal Procedure against the petitioner.

It was submitted before us by learned counsel for the petitioner that in spite of proclamation under section 87 of the Code of Criminal Procedure, the other co-accused were released on bail.

Mr. Banerjee submits that this order was suppressed before the Court.

The said proclamation is not recorded in the order dated 13th October, 2020 granting anticipatory bail to the other co-accused. However, as of now, the State has not taken any steps to set aside the order dated 13th October, 2020 as regards the other co-accused.

We make it clear that in the event the order dated 13th October, 2020 is set aside or modified, it will be open to the State to ask for vacation or modification of this order also.

In the event of arrest, the petitioner will be released on bail upon furnishing security of Rs.10,000/- (Rupees ten thousand) together with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 8640 of 2020 is disposed of.

(I. P. Mukerji, J.)

(Md. Nizamuddin, J.)