

12.04.2021

Court No.28

rpan / 301

CRM 814 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Raju Ali @ Samad @ Samsed Ali**

- Petitioner

Ms. Minoti Gomes,

Mr. Kalidas Saha

... For the Petitioner.

Mr. Rudradipta Nandy

... For the State

Apprehending arrest in connection with Harishchandrapur P.S. Case No. 673 of 2019 dated 19.09.2019 under Sections 143/342/186/332/353/323/324/307/427/34 of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act, the petitioner has filed the present application.

It is submitted by the learned counsel appearing for the petitioner that there was a mob agitation and no specific overt act has been attributed to him. The learned counsel further submits that a co-accused person similarly placed with the petitioner has been granted anticipatory bail by a coordinate Bench of this Court in CRM 10835 of 2019 (In Re.: Mohammel Hoque @ Mojammel Master).

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that police personnel suffered injuries. The learned counsel for the State, however, does not

dispute that Mohammel Hoque @ Mojammel Master is not similarly placed as of the petitioner.

Having considered the materials on record and bearing in mind the nature of allegations and as no specific overt act is attributed to the petitioner and as injuries are simple in nature, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Raju Ali @ Samad @ Samsed Ali**, shall be released on bail upon furnishing a bond of ₹10,000/- 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 and on further condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 814 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)