

25.05.2021
Court No.28
rpan /13

C.R.M. 1094 of 2021
(Via Video Conference)

In Re : **Akbar Mallick @ Akbor Mallick & Others**
- Petitioners.

Mr. Rafikul Islam Sardar
... for the petitioners.
Mr. Neguive Ahmed,
Md. Anwar Hossain,
Mr. Pradipta Ganguly
... for the State.

Apprehending arrest in connection with Jangipara Police Station Case No.8 of 2021 dated 08.01.2021 under Sections 147/148/149/323/325/304/504/506/120B of the Indian Penal Code, the petitioners have preferred the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned advocate for the petitioners that as a result of family dispute, a free fight took place on the date of occurrence and during such incident one, Soleman Mallick assaulted the father of the *de facto* complainant on his head with the help of a lathi causing grievous injury. Ultimately the father of the *de facto* complainant succumbed to the said injury. The petitioners, being the family members of the principal accused, were implicated in the case and the allegation against them is omnibus. So they should be granted benefit of anticipatory bail. It is also submitted by him that co-accused persons on similar circumstances were previously released on bail by this Court.

Learned Public Prosecutor in-charge has opposed the prayer for anticipatory bail on the ground that the incident had caused culpable homicide of a person not amounting to murder and the case is serious in nature. However, he frankly admits that co-accused persons were released on bail by this Court and the present petitioners stand on the same footing with the persons, who were granted bail.

We have also found that anticipatory bail was granted to some of the co-accused persons in CRM no.719 of 2021 *vide* order dated 09.04.2021 and in CRM 914 of 2021 *vide* order dated 21.04.2021 by the co-ordinate Division Benches of this Court in respect of some other accused persons. The petitioners, being on the same footing, are entitled to get the benefit of Section 438 of the Code of Criminal Procedure.

Accordingly, in the event of arrest the petitioners, *viz.*, 1. **Akbar Mallick @ Akbor Mallick**, 2. **Sk. Morselim @ Morselim Mallick**, and 3. **Sk. Sekendar @ Lalu Mallick** shall be released on bail upon furnishing a bond of ₹10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No.1094 of 2021, is, thus, disposed of.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)