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20-05-2021

Court 28

**C.R.M. 1307 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 821 of 2016 dated 25.11.2016 under sections 143/341/304 of the Indian Penal Code.

Dila Sk. @ Dila
Versus
State of West Bengal

Allowed

Mr. Arup Kumar Bhowmick, Adv.

...for the petitioner.

Mr. S.S. Imam, Adv.

Mr. S. Roy, Adv.

...for the State.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated and is standing on the same footing as that of Ashraul @ Ashraul Haque and Intajul Sk. @ Entajul @ Intaj who were granted anticipatory bail by the coordinate Benches of this Court in CRM 8763 of 2017 dated 24th October, 2017 and CRM 8462 of 2018 dated 12th November, 2018 respectively.

The learned Counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner stands on a different footing than the other co-accused persons whose prayers have been allowed earlier.

Considering the materials on record, the statement of eyewitness recorded under Section 161 of the Code of Criminal Procedure and the nature and extent of complicity of the petitioner in the commission of alleged offence and in view of the fact that the petitioner stands on the same footing as that of the other co-accused persons who have been granted anticipatory bail by the coordinate Benches, we are of the opinion that the custodial interrogation of the petitioner is not necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner namely, Dila Sk. @ Dila shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), 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 is allowed.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)