

SL. 41.
September 10, 2021.
MNS

C.R.M. 1340 of 2021

(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on February 2, 2021 in connection with Pursurah Police Station Case No. 18 of 2018 dated February 24, 2018 under Sections 147/148/149/341/326/307/427/506 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : Asraf Middy alias Abdul

... petitioner.

Mr. Suman Chakraborty

... for the petitioner.

Mr. Ranabir Roy Chowdhury,

Mr. Sandip Chakraborty

... for the State.

The present application for anticipatory bail arises from a proceeding under Sections 147/148/149/341/326/307/427/506 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Learned counsel for the petitioner submits that some of the other co-accused have already been enlarged on bail.

It is further contended that the petitioner's involvement in the alleged incident has not been proved even *prima facie*.

It is further submitted that the charge sheet has already been submitted in this case.

Learned counsel for the State controverts the prayer for anticipatory bail and submits that some of the other co-accused had indeed been granted bail, but only after being in custody for certain periods.

That apart, it is submitted that the present petitioner is absconding for about three years and eight months.

Upon hearing learned counsel for both sides, it appears from the case diary that the allegations against the petitioner were primarily regarding being a part of the group of people, who participated in the alleged assault.

However, since other co-accused on the same footing have been enlarged on bail and since the charge sheet has already been submitted, we are of the opinion that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall not leave the territorial jurisdiction of the Pursurah Police Station during the period of bail. However, the petitioner shall attend on each date of trial and is permitted to leave the territorial jurisdiction of the Pursurah Police Station, if necessary, only for the limited

purpose of attending the court proceeding and will return at the earliest thereafter.

The application for anticipatory bail, bearing CRM 1340 of 2021 is accordingly allowed.

(Sabyasachi Bhattacharyya, J.)

(Ananda Kumar Mukherjee, J.)