

05.08.2021.  
306.  
Akd/As  
(Allowed)

**C.R.M. 1526 of 2021  
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Md. Bazar P.S. Case No.120 of 2013 dated 29.06.2013 under Sections 379/411/413/414 of the Indian Penal Code read with Section 30(b) of the Coal Mines (Nationalisation) Act.

In the matter of : Alem Khan.

... Petitioner.

Mr. Kunal Ganguly.

.....for the Petitioner.

Mr. Sudip Ghosh,  
Mr. Apurba Kr. Datta.

.....for the State.

Apprehending arrest in connection with Md. Bazar P.S. Case No.120 of 2013 dated 29.06.2013 under Sections 379/411/413/414 of the Indian Penal Code read with Section 30(b) of the Coal Mines (Nationalisation) Act, the petitioner has filed the instant application for anticipatory bail.

The instant application for anticipatory bail has been filed at the behest of the petitioner who pleads innocence having no complicity to the commission of the said offence. The charge sheet has already been submitted against the ten accused persons including the petitioner.

It transpires in course of hearing that the co-accused who stands on the same footing that of the petitioner has been granted benefit of anticipatory bail.

In view of the above, since the petitioner stands on the same footing with that of the other co-accused who had been

granted anticipatory bail, we do not find any justification in not extending the same benefit to the petitioner.

Accordingly, we direct 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, one of whom must be local, subject to the satisfaction of the arresting officer and on conditions as enshrined under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 1526 of 2021, is thus disposed of.

**(Harish Tandon, J.)**

**(Bibek Chaudhuri, J.)**