

06.09.2021

Court No.29
Item No.43

Saswata

IN THE HIGH COURT AT CALCUTTA

CRM 2161 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Chanditala Police Station Case No. 183 of 2019 dated 09.05.2019 under Sections 306/379/34 of the Indian Penal Code;

And

In the matter of : **Samir Bera @ Bapan**
...Petitioner

Mr. Avik Ghatak
Mr. Neil Basu
Mr. Saikat Dasgupta
Mr. Amit Pati
Ms. Afreen Begum

...For the Petitioner

Mr. Tapandeb nandy
Mr. Antarikya Basu

...For the State.

The petitioner seeks anticipatory bail.

Learned advocate for the petitioner submits that another co-accused was granted anticipatory bail by a Co-ordinate Bench of this Court. He submits that the petitioner stands on the same footing.

Learned advocate for the State submits that the petitioner cannot be said to be standing on the same footing as that of the other co-accused who was granted anticipatory bail. He draws attention of this Court to the statement recorded under Section 164 of the Code of Criminal Procedure and two letters.

Considering the facts and circumstances of the case and considering the fact that the principal accused was granted anticipatory bail by a Co-ordinate Bench of this Court and the fact that the charge-sheet was submitted on 31st August 2020, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ₹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 the petitioner shall appear before the Court below and pray for regular bail within four weeks from date 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 2161 of 2021 is, thus, ***disposed of.***

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)