

26.08.2021.
287.
As/Akd
(Allowed)

**C.R.M. 2291 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar P.S. Case No.565 of 2019 dated 14.06.2019 under Sections 447/341/326/302/427/109/34 of the Indian Penal Code.

In the matter of : Buli Khatun. ... Petitioner.

Mr. Kazi Mokhlasur Rahman.

.....for the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das,
Ms. Debjani Sahu.

.....for the State.

Mr. Avinaba Patra.

...for the de-facto complainant.

Apprehending arrest in connection with English Bazar P.S. Case No.565 of 2019 dated 14.06.2019 under Sections 447/341/326/302/427/109/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The present petitioner has sought for anticipatory bail on the ground of parity.

According to the learned Advocate for the petitioner, the another co-accused viz., Baharun Bibi had been extended the benefit of Section 438 of the Code of Criminal Procedure and the petitioner standing on the same footing should also be treated equally.

The learned Advocate for the State opposes the prayer for anticipatory bail and relies upon the statement of the injured recorded under Section 164 of the Code of Criminal procedure.

After hearing the respective submissions and on perusal of the statement of the said injured recorded under Section 164 of the Code of Criminal Procedure, we find that the present petitioner stands on the same footing that of Baharun Bibi who had been enlarged on anticipatory bail in C.R.M.10820 of 2019 on 21.11.2019 solely on the ground of parity.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory 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 be 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 appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2291 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)