

17.08.2021
tkm/ct 28
sl no. 289

**C.R.M. 2292 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 P.S case no. 942 of 2020 dated 21.11.2020 under sections 399/402 of the Indian Penal Code

And

Allowed

In Re : Tinku & Ors.

..... petitioners

Kazi M Rahman

..... for the petitioners

Mr. N P Agarwala
Ms. S Patel

..... for the State

Apprehending arrest in connection with the aforesaid case, the petitioners have filed the instant application.

Allegations against the petitioners are that they have assembled at a particular place with other arrested and absconding accused persons to commit dacoity.

Though the learned advocate for the State opposes the prayer for anticipatory bail, no incriminating material was seized from the petitioners. There is absolutely no evidence that they assembled at the said place with the arrested accused persons. Moreover, charge sheet has been submitted. Therefore, we are inclined to release the petitioners on anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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 they shall attend the trial court on every date of hearing until further orders.

In the event, the petitioners fail to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application being CRM 2292 of 2021 is disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)