

17.09.2021
Item no.44.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2652 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 10.3.2021 in connection with Gazole Police Station Case No.307 of 2016 Dated 02.06.2016 under Sections 341/323/325/307/506/34 of the Indian Penal Code

And

In the matter of : Mojibur Ali @ Mojibor

.....Petitioner.

Mr. Tapan Dutta Gupta,
Mr. Parvez Anamfor the Petitioner.

Mr. N. P. Agarwala,
Mr. Pratick Bosefor the State.

The petitioner claims parity. He says that a co-accused person by the name of Saidur @ Md. Saidul Islam was granted anticipatory bail by a Coordinate Bench by an order dated August 6, 2021 in CRM No.2280 of 2021. He says that he stands on the same footing as that person.

We have seen the material in the case diary. Both Saidur and this petitioner were named by witnesses whose statements have been recorded. Seven other co-accused persons out of ten accused persons have been granted bail by the learned Trial Court.

On an overall assessment of the facts and circumstances of the case and considering that the petitioner is similarly circumstanced as Saidur, who was extended the privilege of anticipatory bail and also since charge sheet has been submitted, we are inclined to allow the present application.

Accordingly, in the event of arrest, the petitioner, namely Mojibur Ali @ Mojibor 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, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2652 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

