

CRM 3943 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Belur Police Station** Case No. **55 of 2020** dated **21.03.2020** under Sections **341/323/325/307/385/34** of the Indian Penal Code.

- A n d -

In the matter of : Sanjay Kumar Jaiswal & Anr.

.... Petitioners.

Mr. S. Gupta
Mr. A. Gour,

... For the Petitioners.

Mr. N. Ahmed, Ld. APP
Mr. T. Mitra,

... For the State.

The anticipatory bail prayer in respect of the petitioner no. 1 is not pressed. Accordingly, the same stands dismissed.

Learned Advocate for the petitioner moves the prayer for anticipatory bail in respect of the petitioner no. 2. He submits that there are no direct allegations against this petitioner of his involvement in the alleged offence and furthermore, one of the co-accused persons has been granted bail by this Court and the petitioner no. 2 stands on the same footing. The prayer for anticipatory bail should be favourably considered and allowed.

Learned Advocate for the State opposes the prayer for anticipatory bail and draws our attention to the statements of witnesses in the case diary.

We have heard learned Advocates of both the sides and perused the material in the case diary. It is found from the statements of witnesses that there are no specific allegations

against the petitioner. Further, a co-accused has been granted bail and the petitioner no. 2 is similarly circumstanced.

Considering the above, we are inclined to allow the prayer of the petitioner no. 2 for anticipatory bail.

Accordingly, in the event of arrest, the petitioner no. 2, namely, **Ayush Jaiswal** 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 and shall report to the Investigating Officer once in a fortnight until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3943 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**