

23.12.2021
Serial no.9

Aloke
Ct. No. 29

(Through Video Conference)

CRM 5734 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.08.2021 in connection with Nazat Police Station Case No. 139 of 2019 dated 08.06.2019 under Sections 147/148/149/325/326/302 of the Indian Penal Code and under Sections 25 and 27 of the Arms Act.

-And-

In the matter of : **Pobitra Mondal @ Probitro Mondal & Anr.**

... ...Petitioners

Mr. Partha Ghosh, Advocate

Mr. Sagar Saha, Advocate

... ... For the Petitioners

Mr. Saibal Bapuli, Id. APP

Mr. Bibaswan Bhattacharya, Advocate

... ... For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners are similarly situated as that of other co-accused who have been granted anticipatory bail by the Coordinate Bench. He refers to the order dated July 29, 2021 passed in CRM 1148 of 2021. He also refers to the order dated January 14, 2020 in CRM 385 of 2020 in which the prayer for anticipatory bail of one of the co-accused was rejected. He submits that the order dated January 14, 2020 records that there is a statement of the deceased implicating the petitioner in the alleged crime while there is not such statement.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure. In answer to a query from Court, learned Advocate for the State submits that the police submitted charge-sheet. In answer to another query from Court, learned Advocate for the State submits that there is no dying declaration of the deceased person as the person who have been brought dead.

Considering the fact that the police submitted charge-sheet and considering the complicity of the petitioners therein and considering the fact that one of the co-accused was granted anticipatory bail by the Coordinate Bench on July 29, 2021, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioners shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM 5734 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)