

16.12.2021.
39.
as
(Allowed).

C.R.M. 5882 of 2021

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.1041 of 2019 dated 14.10.2019 under Sections 341/506/436/304/186/332/120B of the Indian Penal Code and Sections 3 and 4 of Prevention of Damage to Public Property Act and Section 9 of Maintenance of Public Order Act.

In the matter of : Sk. Alif @ Sk. Alip & Ors.
... Petitioners.

Mr. Mrityunjoy Chatterjee.
...for the Petitioners.

Mr. S. S. Imam,
Mr. S. Kundu.
.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there was a public agitation in the locality. They have been falsely implicated in the instant case. No overt act has been attributed to the petitioners. Co-accused has been granted pre-arrest bail.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. He submits petitioners were members of the mob which obstructed an ambulance carrying a sick person and as a result whereof, the said person has died.

We have considered the materials on record. Incident occurred in the course of a public agitation. Specific overt act is not attributed to the petitioners. Co-accused Rejaul Karim

@ Sk. Reja has been granted pre-arrest bail. Whether the conduct of the petitioners would disclose ingredients of the offence punishable under Section 304 of the Indian Penal Code requires to be assessed during trial.

In view of the aforesaid facts and as co-accused Rejaul Karim @ Sk. Reja has been granted pre-arrest bail, we are inclined to extend the same privilege to the petitioners also.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)