

02-12-2021

Item no.46

Subrata

allowed

IN THE HIGH COURT AT CALCUTTA

Criminal Miscellaneous Jurisdiction

CRM No.6129 of 2021

Mukesh Chandra Sarkar & Ors.

-vs-

The State of West Bengal

In Re: An application for anticipatory bail under **Section 438 CrPC** in connection with Gangarampur P.S. Case No.23 of 2021 dated January 19, 2021 under sections 341/326/307/302/34 IPC read with sections 25(1A)/25(1B)/27(3) Arms Act and sections 3/ 4 Explosive Substances Act, 1908.

Mr. Moyukh Mukherjee

Mr. Pritim Roy

Mr. Abhijit Singh

...for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

... for the State

On the prayer of learned advocate for the petitioners, CRM No.6129 of 2021 is dismissed as not pressed so far as the first petitioner (Mukesh Chandra Sarkar) is concerned.

The second and third petitioners seek parity with the other co-accused who were granted anticipatory bail by this court on November 10, 2021 in CRM No.6907 of 2021.

Heard learned advocate for the State.

Considering the fact that the State is unable to distinguish between the second and the third petitioners before us and the co-accused granted anticipatory bail on November 10, 2021, they can justifiably claim parity with such co-accused. In such circumstances, we grant such petitioners anticipatory bail.

Accordingly, we direct that in the event of arrest, the second petitioner (Bappa Sarkar) and the third petitioner (Badal Sarkar) 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 also subject to the conditions laid down under section 438(2) CrPC ; and on further condition that they shall appear before the jurisdictional court on the

dates of trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being CRM No.6129 of 2021 is thus disposed of.

[Debangsu Basak, J]

[Bibhas Ranjan De, J]

