

23.12.2021
Serial no.12

Aloke
Ct. No. 29

(Through Video Conference)

CRM 6612 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.09.2021 in connection with Chandernagore Police Station Case No. 120 of 2021 dated 10.06.2021 under Sections 147/148/149/186/188/323/325/332/333/353/427/435/436/326/307 of the Indian Penal Code read with Section 9 of the Maintenance of Public Order Act & Section 51 of the Disaster Management Act and Sections 3/4 of the Explosive Substance Act.

-And-

In the matter of : **Sunil Kuamr Das & Anr.**

... ...Petitioners

Mr. Ujjal Ray, Advocate

... ... For the Petitioners

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Paramanick, Advocate

... ... For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners stands on the same footing as that of another co-accused who was granted anticipatory bail on November 25, 2021 in CRM 6107 of 2021.

Learned Advocate appearing for the State submits that the application for anticipatory bail is not maintainable as the petitioners are declared as proclaimed offender.

Learned Advocate for the petitioners submits that the petitioner who was granted anticipatory bail on November 25, 2021 was also declared as proclaimed offender on such date.

This fact was not brought to the attention of either of the co-accused or by the learned Advocate appearing for the State.

Since such issue was not raised the Court proceeded to decide the application for anticipatory bail and granted anticipatory bail to the co-accused in CRM 6612 of 2021. Since attention of the Court is drawn to the fact that the

petitioners herein were declared as proclaimed offenders by the jurisdictional Court, we are of the view that the petitioners herein cannot claim parity with that of co-accused who was granted anticipatory bail on November 25, 2021 in CRM 6107 of 2021. The petitioners cannot claim negative equality.

Consequently, CRM 6612 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)