

10.11.2021

CRM 6876 of 2021

**Court No.28
Item No.24
(ALLOWED)**

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 25.10.2021 in connection with English Bazar Police Station Case No. 322 of 2018 dated 09.04.2018 under Sections 147/148/149/353/332/283/427/307/120B of the Indian Penal Code and Section 3 of PDPP Act and Section 9 of the MPO Act and Section 8(B) of the NH Act;

And

In the matter of : **Samirul @ Samirul Hoque and others.**
...Petitioners

Mr. Dhananjoy Banerjee.

...For the Petitioners

**Mr. Md. Anwar Hossain,
Mr. Mirza Fioz Ahmed Begg.**

... For the State

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioners seek anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 322 of 2018 dated 09.04.2018 under Sections 147/148/149/353/332/283/427/307/120B of the Indian Penal Code and Section 3 of the Prevention of Damage of Public Property Act and Section 9 of the Maintenance of Public Order Act and Section 8(B) of the National Highways Act.

The petitioners claim parity and refer to an order dated November 30, 2018 passed on CRM 8802 of 2018.

The State says that the petitioners stand on the same footing as the persons who were the beneficiaries of the order dated November 30, 2018.

The petitioners are entitled to the same benefit and the same

conditions are liable to be imposed.

The petitioners will deposit Rs. 5,000/- each with the trial court as condition precedent for obtaining the benefits under this order. In the event no charges are pressed against the petitioners or the petitioners are acquitted thereof, the money will be refunded to them. If the petitioners are convicted, the money will be dealt with in accordance with law for compensating the loss to public property.

Subject to the above, in the event of arrest, the petitioners will be granted bail upon furnishing bonds of Rs. 10,000/- (Rupees Ten Thousand only) each, with two sureties of Rs. 5,000/- (Five Thousand only) each, one of whom must be local, to the satisfaction of the Arresting Officer, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The petition for anticipatory bail is allowed subject to the conditions as indicated above.

Certified copies of this order be immediately made available to the petitioners subject to compliance with all requisite formalities.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)