

25.11.2021
Item no.152
Court No.32
Avijit Mitra

C.R.M. 7199 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Sk. Rajikul @ Sekh Rajikul Alam

.... petitioner

Mr. Avinaba Patra

....for the petitioner

Mr. Madhusudan Sur,

Mr. Dipankar Pramanick

..... for the State

Apprehending arrest in connection with English Bazar Police Station Case No.1042 of 2019 dated 14.10.2019 under Sections 143/144/149/186/225/353/32/333/436/506/120B of the Indian Penal Code read with Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Section 9 of the West Bengal Maintenance of Public Order Act (Amended), 2007, the present application has been preferred.

Mr. Patra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Some co-accused persons similarly situated with the petitioner had been granted bail and some had been granted anticipatory bail by a Coordinate Bench of this Court on 16th September, 2021 in CRM No.5876 of 2021 and as such, on the ground of parity the petitioner may be granted anticipatory bail subject to any condition.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard learned advocates appearing for the respective parties and considering the material in the case diary, the nature of allegations and since co-accused persons similarly situated with the petitioner had been granted bail and more so when, upon completion of investigation chargesheet has been submitted, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Rajikul @ Sekh Rajikul Alam** shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) 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 with a further condition that the petitioner shall appear before the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail being C.R.M. 7199 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)