

22.12.2021
27
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M 8495 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **05** of **2016** dated **03.01.2016** under Sections 147/148/149/323/325/326/333/353/186/379/427/435/436/506/332/307/120B of the Indian Penal Code, 1860 and under Sections 3/ 4 of the Prevention of Damage to Public Property Act and under Sections 25(I)(a)/27/35 of the Arms Act.

And

In Re : Md. Ataullah Sk. & Ors.

..... petitioners

Ms. Sreyashi Biswas
Ms. Shampa Mondal

.... for the petitioner

Mr. Neiguive Ahmed
Ms. Trina Mitra

... for the State

Petitioners renews the prayer for anticipatory bail.

Learned advocate appearing for the petitioners submits that, subsequent to the rejection of the prayer for anticipatory bail on May 19, 2017, other co-accused were granted anticipatory bail on January 9, 2019 and on September 21, 2021 by the Coordinate Bench.

Learned advocate appearing for the State submits that, the prayer for anticipatory bail of the petitioners were rejected after considering the materials in the case diary. The petitioners, therefore, cannot claim themselves to be on the same footing as that of the persons who were granted anticipatory bail subsequently.

The prayer for anticipatory bail of the petitioners were rejected considering the gravity of the offence and their complicity at the alleged incident. The petitioner, therefore,

cannot claim parity with the persons, who were granted anticipatory bail by the Coordinate Bench subsequently.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM 8495 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)