

23.12.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 8684 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **414** of **2021** dated **15.07.2021** under Sections 302/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act.

And

In Re : Milon Mondal & Anr.

..... petitioners

Ms. Paramita Banerjee

Mr. S. M. Munshi

....for the petitioners

Mr. Saibal Bapuli

Ms. Sayanti Santra

....for the State

Petitioners seek parity with that of the co-accused granted anticipatory bail by the order dated December 9, 2021 in CRM 7100 of 2021.

Learned advocate appearing for the State submits that, the second petitioner cannot be in parity with that of the other co-accused in view of the statement recorded under Section 161 of the Code of Criminal Procedure (Cr. P. C.).

Learned advocate appearing for the petitioner submits that, there are two statements recorded under Section 164 of the Cr. P. C., which does not name either of the petitioners as the main assailants.

Considering the gravity of the offence and the complicity of the petitioners therein and the statements recorded under Section 164 of the Cr. P. C., which does not name the two petitioners as the main assailants, the petitioner can justifiably claim parity with that of the co-accused who was granted anticipatory bail on December 9, 2021 in CRM 7100 of 2021 and considering the fact that the police filed charge-sheet, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

