

07.04.2021.

38.

as

(Allowed).

C.R.M. 10975 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwangola P.S. Case No.184 of 2020 dated 02.05.2020 under Sections 341/325/326/307/506/34 of the Indian Penal Code read with added Section 302 of the Indian Penal Code.

In the matter of : Abdul Kader Sekh @ Kader Sk. & Anr.
... Petitioners.

Ms. Riya Das,
Ms. Rabia Khatoun.

...for the Petitioners.

Mr. Neguive Ahmed, Ld. A.P.P.,
Ms. Amita Gaur.

.....for the State.

Apprehending arrest in connection with Bhagwangola P.S. Case No.184 of 2020 dated 02.05.2020 under Sections 341/325/326/307/506/34 of the Indian Penal Code read with added Section 302 of the Indian Penal Code petitioners have filed the instant application for anticipatory bail.

The learned Advocate appearing for the petitioners submits that the petitioner No.1 has already been arrested and, therefore, she is not pressing the application for the said petitioner as the prayer for anticipatory bail has become infructuous.

She moves the anticipatory bail so far as the petitioner no.2 is concerned.

The petitioner No.2 seeks anticipatory bail on the ground of parity. It appears that 11 persons were charge sheeted out of which four persons have been granted bail. The copy of the order dated 20.10.2020 passed in C.R.M.8224 of 2020 is annexed with the instant application. The said application was filed by the co-accused viz., Insan Sk who has been granted bail by this Court. It is not in dispute that the petitioner No.2 stands on the same footing with that of the aforesaid co-accused. Furthermore, the charge sheet has already been submitted.

In view of the above, we do not find any justification in not extending the privilege of anticipatory bail to the petitioner No.2.

Accordingly, we direct that in the event of arrest the petitioner No.2 shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer with further condition that the petitioners shall meet the Officer-in-charge of the concerned Police Station once in a week until further orders. Apart from the aforesaid conditions, the further conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Tirthankar Ghosh,J.)