

11.03.2021

CRM 10984 of 2020

Court No.02
Item No.107
(Disposed of)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 18.12.2020 in connection with Amta Police Station Case No. 01/2019, dated 01.01.2019 under Sections 147/148/149/325/326/307 of the Indian Penal Code.

And

In the matter of : **Sk. Abu Taher @ Sk. Matab Fariyar.**
...Petitioner

Mr. Musharraf Hossain,
Mr. Satadru Lahiri,
Mr. Safdar Azam.

...For the Petitioner

Mr. Rudradipta Nandy.

...For the State.

Apprehending arrest in connection with Amta Police Station Case No. 01/2019 under Sections 147/148/149/325/326/307 of the Indian Penal Code the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate appearing for the petitioner that 20 (twenty) co-accused have already got privilege of anticipatory bail by the Sessions Judge, but the police authorities are trying to apprehend the petitioner in connection with aforesaid case. The petitioner says that the complicity to the alleged offence has not been established. However, he submits that since the other co-accused, who stand on the same pedestal, have been granted anticipatory bail, the petitioner standing on the same footing should also be treated equally.

The learned Advocate for the State opposes the prayer for anticipatory bail of the petitioner. It is submitted that the name of the petitioner is appearing not only in the complaint but also the statement recorded under Section 161 of the Code of Criminal Procedure. However, he submits that the charge sheet has already been filed, but the charges have not yet been framed.

Considering the above and perusing the materials available in the case diary and more particularly the fact that twenty similarly

situated persons have been granted anticipatory bail, we find no reasons in not extending the privilege of anticipatory bail to the petitioner. Furthermore the charge sheet has already been filed and, therefore, there is no purpose of custodial interrogation of the petitioner.

Therefore, the petitioner shall surrender before the learned Chief Judicial Magistrate, Howrah, within a week from the date of obtaining the certified copy of this order and shall be enlarged on bail subject to furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, with further condition that the petitioner shall attend on each day when the matter would be fixed before the Sessions Judge and the default on any solitary occasion without any justifiable cause may disentitle the petitioner from getting privilege of anticipatory bail.

The application for anticipatory bail, being CRM 10984 of 2020, is thus **disposed of**.

(Harish Tandon, J)

(Kausik Chanda, J.)