

12.03.2021.

146.

as

(Allowed).

C.R.M. 11060 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domkal P.S. Case No.400 of 2020 dated 30.07.2020 under Sections 147/148/149/307/34 of the Indian Penal Code and Sections 3 / 4 of the Explosive Substances Act.

In the matter of : Kalu Sk @ Intajul Sk & Ors.

.....Petitioners.

Mr. Tapodip Gupta.

...for the Petitioners.

Mr. P. K. Datta, Id. A.P.P.,

Mr. Santanu Deb Roy.

.....for the State.

Apprehending arrest in connection with Domkal P.S. Case No.400 of 2020 dated 30.07.2020 under Sections 147/148/149/307/34 of the Indian Penal Code and Sections 3 / 4 of the Explosive Substances Act, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate appearing for the petitioners that they have been falsely implicated in connection with the instant case. It is vehemently submitted that the co-accused persons viz., 1) Habibul Sk. @ Habibur Sk. 2) Samiul Mondal @ Samiul Sk., 3) Rakibul Sk. @ Rakibul Mondal 4) Amrul Mondal & 5) Ajibul Sk. @ Azizul Mondal who stand on the same footing with the petitioners have already been granted anticipatory bail in C.R.M.9580 of 2020 by this Court on 2.12.2020.

On the other hand, the learned Advocate appearing for the State opposes the prayer for bail and submits that there is a serious offence perceived from the first information report lodged in this regard. However, he fairly submits that the other co-accused persons who have been granted anticipatory bail also stood on the same footing that of the petitioners.

In view of the submissions advanced and the fact that the other co-accused who stand on the same footing have been granted anticipatory bail, we do not find any justification in not extending the petitioners as well on the ground of parity.

Hence, the application for anticipatory bail is allowed.

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, one must be local subject to the satisfaction of the arresting officer and also subject to 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.)

(Kausik Chanda, J.)