

14.02.2022

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 712 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Keshpur** Police Station Case No. **88** of **2021** dated **01.04.2021** under Sections 143/149/302/120B of the Indian Penal Code, 1860.

And

In Re : Achinta Dolai & Anr.

..... petitioners

Mr. Amit Ranjan Pati

....for the petitioners

Mr. S.S. Imam

Mr. S. Kundu

....for the State

Petitioners seek parity with that of the other co-accused granted anticipatory bail by the Coordinate Bench.

Learned advocate appearing for the State draws the attention of the Court to the statement of the various eye witnesses recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

The 164 Cr.P.C. statement, which the learned advocate for the State refers to, names the petitioners along with the other persons, who were granted anticipatory bail by the Coordinate Bench. Consequently, we are of the view that the petitioners can justifiably claim parity with the other co-accused granted anticipatory bail by the Coordinate Bench. In

such circumstances, we grant anticipatory bail to the petitioners on the ground of parity.

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 of whom must be local, 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 petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

