

CRM (A) 926 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.02.2022 in connection with Beldanga Police Station Case No. 186 of 2018 dated 14.05.2018 under Sections 147/148/149/302 of the Indian Penal Code and Sections 25/27 Arms Act.

-And-

In the matter of : **Milon Sk @ Sukurulla Sk**

... ...Petitioner

Mr. Rabiul Islam, Advocate

Mr. Raju Mondal, Advocate

... ... For the Petitioner

Mr. Neguive Ahmed, Id. APP

Ms. Ayantika Ray, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner is entitled to claim parity with the other co-accused who were granted anticipatory bail by the Coordinate Benches. He refers to the orders dated October 19, 2020 passed in CRM 7689 of 2020 and the order dated September 6, 2021 passed in CRM 1243 of 2021. He submits that the police filed charge-sheet. In the charge-sheet, the police discharged two of the persons named in the first information report.

Learned Additional Public Prosecutor draws the attention to the contents in the case diary.

Initially, order granting anticipatory bail was passed on October 19, 2020 in CRM 7689 of 2020. The petitioner therein was named in the first information report and was granted anticipatory bail by the Coordinate Bench. Subsequently, two other co-accused were granted anticipatory bail in CRM 1243 of 2021 on September 6, 2021 noticing the earlier order of the Coordinate Bench dated October 19, 2020 passed in CRM 7689 of 2020. The police filed charge-sheet where two of the persons named in the first information report were discharged.

In the facts of the present case, the petitioner can be said to be standing in the same footing as that of the other co-accused who were granted anticipatory bail by the Coordinate Benches.

In such circumstances, since the police filed charge-sheet and considering the fact that the other co-accused were granted anticipatory bail by the Coordinate Benches, we are inclined to grant anticipatory bail to the petitioner.

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

The prayer for anticipatory bail is allowed.

CRM (A) 926 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)