

9 15.03.2022
(AD) Court No.29
(Allowed)

C.R.M. (A)1220 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** P.S. Case No. **122 of 2010** dated **05/03/2010** under Section **18** of the Narcotic Drugs and Psychotropic Substances Act, corresponding to NDPS Case No.33/2010.

And

In the matter of: Sajem Sk. @ Sajem Ali Sk.

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner renews the prayer for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there are material change in circumstances subsequent to the earlier order of rejection dated December 14, 2021 passed in CRM 6532 of 2021. He submits that the same Bench granted anticipatory bail to another co-accused, who is standing on the same footing as that of the petitioner, on January 20, 2022 in CRM 8163 of 2021. Consequently, the petitioner is entitled to anticipatory bail, *inter alia*, on the ground of parity.

Learned Advocate appearing for the State submits that the petitioner and the other co-accused who was granted anticipatory bail do not stand on the same footing. He submits that the process of proclamation of arrest of warrant was

initiated against the petitioner and the other co-accused.

The petitioner is still absconding. The question of absconsion was considered so far as the petitioner is concerned and the prayer for anticipatory bail of the petitioner was rejected on December 14, 2021 in CRM 6532 of 2021. The same question of absconsion of the other co-accused was also raised before the coordinate Bench and after considering the same materials as that implicating the petitioner herein, the coordinate Bench granted anticipatory bail to the co-accused on January 20, 2022 in CRM 8163 of 2021.

Consequently, we are of the view that the petitioner stands on the same footing as that of the other co-accused who was granted anticipatory bail and, therefore, is entitled to claim parity. Moreover, the police submitted charge sheet. Consequently, we grant anticipatory bail to the petitioner on the ground of parity.

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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the jurisdictional Court 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 of the petitioner is allowed.

C.R.M.(A) 1220 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)