

16.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1253 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Muchipara** Police Station Case No. **213** of **2018** dated **23.07.2018** under Sections 304/308/34 of the Indian Penal Code.

And

In Re : Atul Agarwal

..... petitioner

Mr. Tapan Dutta Gupta

Mr. Parvej Anam

Ms. Tanuka Basu

....for the petitioner

Mr. Saibal Bapuli

Mr. Arani Bhattacharya

....for the State

Petitioner seeks anticipatory bail, inter alia, on the ground of parity with that of the other co-accuseds, who were granted anticipatory bail.

Learned advocate appearing for the State submits that, the petitioner is in the same footing as that of the other co-accuseds, who were granted anticipatory bail by the Co-ordinate Bench.

Considering the fact that two other directors were granted anticipatory bail by the Coordinate Bench on August 7, 2018 and August 29, 2018 and considering the fact that the

petitioner can justify his claim of parity with that of the other co-accuseds, we 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/-, with two sureties of like amount each, 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 further condition that the petitioner shall report before the Investigating Officer at such time and place as may be specified by the Investigating Officer till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

