

21.03.2022
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Ct. No. 29
KAUSHIK
Partly
Allowed

C.R.M. (A) 1308 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **286** of **2017** dated **27.05.2017** under Sections 399/402 of the Indian Penal Code, 1860 and under Sections 25(1)a/27 of the Arms Act and Section 9(b) of the I.E. Act.

And

In Re : Saiful Middey & Anr.

..... petitioners

Mr. Sarwar Jahan
Mr. Maidul Islam Kayal
Mr. Binoy Shaw

....for the petitioners

Mr. Madhusudan Sur
Mr. Dipankar Pramanick

....for the State

Considering the fact that there is a proclamation of warrant of arrest and attachment being used in petitioner no. 2, we are unable to grant anticipatory bail to the petitioner no. 2 (Sobedar Middey).

Considering the gravity of the offence and the involvement of the petitioner No: 1 therein, we deem it appropriate to grant anticipatory bail to the petitioner no. 1 (Saiful Middey).

Accordingly, we direct that in the event of arrest the petitioner No. 1 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 no. 1 shall meet with the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner no. 1 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 petitioner no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)