

11.04.2022
Serial no. 15
[Dd]
(Anticipatory Bail
Partly Allowed)

CRM (A) 1645 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **201** of **2022** dated **20.03.2022** under Sections **341/325/326/307/34** of the Indian Penal Code.

-And-

In the matter of : **Jahangir Mondal & Anr.**

... .. Petitioners

Ms. Minoti Gomes,
Mr. Asraf Mandal, Advocate
... .. For the Petitioners

Ms. Faria Hossain,
Ms. Mamata Jana, Advocates
... ..For the State

Petitioners claim parity with that of the co-accused who were granted anticipatory bail.

Learned advocate appearing for the State submits that the first petitioner is named as one of the persons involved in the assault. The other petitioner was in the group.

Considering the materials in the case diary, we are of the view that the first petitioner cannot claim parity with that of the other co-accuseds who were granted anticipatory bail in view of him being specifically named and his name being specially ascribed in the statement recorded under Section 161 of the Criminal Procedure Code. Consequently, we are not inclined to grant anticipatory bail to petitioner no. 1, Jahangir Mondal. His prayer for anticipatory bail is rejected.

So far as the second petitioner is concerned, he stands in the same footing as that of the co-accuseds enlarged on anticipatory bail by the order dated April 8, 2022

passed in CRM (A) 1612 of 2022. Consequently, we are inclined to grant anticipatory bail to the petitioner no. 2, Hira Sekh.

Accordingly, we direct that in the event of arrest the petitioner no. 2 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 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. 2 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner no. 2 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. 2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **partly allowed**.

CRM (A) 1645 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)