

20 19.04.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 1741 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dalkhola** P.S. Case No.**52** of **2021** dated **05/04/2021** under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: Mithun Singha

....petitioner.

Ms. Soma Chowdhury (Bandhu)

...for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerji

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the other co-accuseds were granted bail by this Hon'ble Court. She claims parity.

Learned Advocate appearing for the State submits so far as the parity is concerned, the petitioner stands in the same footing as that of other co-accuseds who are named in the statement recorded under Section 164 of the Code of Criminal Procedure. However, he submits that there is one statement of a witness recorded under Section 161 of the Code of Criminal Procedure where the petitioner is named.

In the statement that is referred by the learned Advocate appearing for the State, the witness recording the statement under Section 161 of the Code of Criminal Procedure claims that the petitioner herein was in conversation with other persons. So far as the statements recorded under Section 164 of the Code of Criminal Procedure is concerned, the petitioner can justifiably

claim parity. The police submitted charge sheet.

Considering the fact that the petitioner can claim parity with the other co-accuseds who were enlarged on bail and considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the police submitted charge sheet, 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/- (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 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1741 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)