

19.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1754 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **371** of **2021** dated **28.05.2021** under Sections 448/323/325/307/354/376/511/379/427/34 of the Indian Penal Code, 1860.

And

In Re : Yunus Ali @ Younus Ali

..... petitioner

Ms. Minoti Gomes

Mr. Imdadul Haque

....for the petitioner

Ms. Anusuya Sinha

Ms. Jonaki Saha

....for the State

Petitioner renews the prayer for anticipatory bail.

Learned advocate appearing for the petitioner submits that, subsequent to the earlier order on the prayer for anticipatory bail, which application was not pressed, the police filed charge-sheet. Therefore, according to her, there are material change in circumstances. Moreover, according to her, the police filed charge-sheet under lesser provisions of the Indian Penal Code than under which they commenced the investigations.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that the police filed charge-sheet and considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

