

22.04.2022
Serial no.40
KS

CRM(A) 1839 of 2022

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Belur Police Station Case No.01 of 2020 dated 01.01.2020 under Sections 302/ 120B/ 34 of the Indian Penal Code.

-And-

In the matter of: **Bajrangi Saroj @ Bajrangi**

Mr. S. Mukherjee
.....for the Petitioner

Mr. Swapan Banerjee
Ms. P. Ghosh

.....for the State

Petitioner prays for anticipatory bail.

Learned advocate for the petitioner submits that the petitioner is on the same footing as that of the other two co-accuseds who were enlarged on bail by the order dated November 11, 2021 passed in C.R.M. No.3863 of 2021.

Learned advocate for the State submits that the petitioner cannot claim parity. She refers to the statement of one of the witness recorded under Section 164 of the Code of Criminal Procedure namely, Narayan Shaw.

Learned advocate for the State submits that the police filed charge-sheet. Process under Section 207 of the Code of Criminal Procedure was also completed and refers to the statement of one eye witness namely Rahul Chowdhury recorded under Section 164 of the Cr. P.C. He submits that Binoy is the principal accused who dealt the blow on the injured. The principal accused is in custody.

There is some substance in the contention of the petitioner as to parity.

Considering the statement of Abhijit Das recorded under Section 164 of the Code of Criminal Procedure, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that 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 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM(A) 1839 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)