

27.04.2022
Serial no.12
Aloke

CRM (A) 1873 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Baghmundi Police Station Case No. 14 of 2022 dated 25.02.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : **Najibul Mandal & Ors.**

... .. Petitioners

Ms. Sutapa Sanyal, Advocate
Mr. Diptomoy Talukder, Advocate

... .. For the Petitioners

Mr. Madhusudan Sur, Id. APP
Mr. Manoranjan Mahata, Advocate

... .. For the State

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners are constables working with the Excise Department. She refers to the order dated March 11, 2022. By the order dated March 11, 2022 the Inspector of the Excise Department under which the present petitioners were working on the fateful day was enlarged on anticipatory bail. Subsequently, two other constables who were in custody in respect of the same police case were enlarged on bail by an order dated April 1, 2022. The petitioners stand on the same footing as that of the Inspector of Excise who was enlarged on bail on March 11, 2022.

Learned Advocate appearing for the State does not dispute the claim for parity with that of the three other co-accused who were enlarged on anticipatory bail and bail by this Hon'ble Court.

The report submitted on behalf of the State be taken on record.

In such circumstances, considering the fact that the petitioners stand on the same footing as that of the other co-accused who were enlarged on anticipatory bail on March 11,

2022 in CRM(A) 1201 of 2022 and bail by the order dated April 1, 2022 passed in CRM(DB) 814 of 2022, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 petitioners shall meet the Investigating Officer once a month till the conclusion of the investigation and that the petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 1873 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)