

13.05.2022

Sl. 33
With
35
Court No.29
suvayan
(Allowed)

CRM (A) 2168 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Madhyamgram** P.S. Case No. **08 of 2021** dated **03/01/2021** under Sections **406/420/467/468/471/472/120B/34** of the Indian Penal Code, 1860.

And

In the matter of: Sk. Rafikul Alam

....petitioner.

with

CRM (A) 2170 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Madhyamgram** P.S. Case No. **08 of 2021** dated **03/01/2021** under Sections **406/420/467/468/471/472/120B/34** of the Indian Penal Code, 1860.

And

In the matter of: Jamaluddin Molla @ Milon Molla

....petitioner.

Mr. Shiladitya Barma
Mr. Komal Toshniwal

...for the petitioner.

Mr. Tanmay Kr. Ghosh
Mr. S. S. Imam
Mr. S. Kundu
Mr. Arindam Sen

...for the State.

Two applications for anticipatory bail are taken up for analogous consideration as the emanate out of the same police case.

There subsists an order dated October 4, 2021 granting anticipatory bail to one co-accused in CRM 3829 of 2021. The order was corrected on March 3, 2022. An application for cancellation of bail was rejected on April, 20, 2022.

Learned Advocates appearing for the State in the two matters, opposes the prayer for granting anticipatory bail.

In the facts of the present case, it transpires that the two petitioners before us presently are similarly situated as that of the other petitioner who was granted anticipatory bail in CRM 3829 of 2021 on October 4, 2021 as corrected on March 3, 2022.

In such circumstances, we extend the same facility to the two

petitioners, namely, *Sk. Rafikul Alam and Jamaluddin Molla @ Milon Molla* before us.

Accordingly, we direct that in the event of arrest, the petitioners, namely, *Sk. Rafikul Alam and Jamaluddin Molla @ Milon Molla* shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners, namely, *Sk. Rafikul Alam and Jamaluddin Molla @ Milon Molla* will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners, namely, *Sk. Rafikul Alam and Jamaluddin Molla @ Milon Molla* is allowed.

CRM (A) 2168 of 2022 and **CRM (A) 2170 of 2022** are, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)