

06.06.2022.
65.
Ct.No.28
as
(Partly
Allowed).

C.R.M. (A) 2301 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Harishchandrapur P. S. Case No.845 of 2021 dated 16.11.2021 under Sections 341/326/307/120B/34 of the Indian Penal Code read with Sections 25(i)(a)/27 of Arms Act.

In the matter of : Hasibur Rahman @ Hasbur Rahaman
& Ors.

... Petitioners.

Mr. Koustav Bagchi,
Mr. Asfak Ahamded,
Mr. Debayan Ghosh,
Ms. Priti Kar.

...for the Petitioners.

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that they are not the principal assailant who is on regular bail. Co-accuseds have been granted pre-arrest bail in CRM (A) 1571 of 2022.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the statements of witnesses. Petitioner no.1 is named in the statement of the injured witness recorded under Section 164 of the Code of Criminal

Procedure and does not stand on the same footing with co-accuseds who have been granted anticipatory bail.

In view of the role played by petitioner no.1 in the alleged crime, we are not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected.

However, as petitioner Nos.2 to 6 are not named in the statement of the injured witness recorded under Section 164 of the Code of Criminal Procedure and stand on the same footing with co-accuseds who have been granted pre-arrest bail, we are inclined to allow their prayer for anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner Nos.2 to 6 shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further condition that the petitioner Nos.2 to 6 shall appear before the court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

