

11.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3855 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Joypur** Police Station Case No. **04** of **2022** dated **14.01.2022** under Sections 143/341/323/324/325/308/506 of the Indian Penal Code, 1860 and subsequently added Section 302 of the Indian Penal Code, 1860.

And

In Re : Sakir Khan @ Sakir Ali Khan

..... petitioner

Mr. Ayan Basu

Mr. Sandip Kumar Mondal

Mr. Sumit Routh

....for the petitioner

Mr. Neiguive Ahmed

Mr. Iqbal Kabir

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, other co-accuseds were granted anticipatory bail, such co-accuseds were not named in the statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). There is no criminal antecedent so far as the petitioner is concerned. The petitioner is also not named in the 164 Cr.P.C. statement.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the 161 Cr.P.C. statement.

Apparently, the petitioner was a part of the mob, as transpires from the 161 Cr.P.C. statement. However, 164

Cr.P.C. statement does not name the petitioner. Co-accuseds, who were similarly situated, were granted anticipatory bail by this Hon'ble Court.

In such circumstances, 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 further condition that the petitioner shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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.)

