

CRM (A) 4018 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 192 of 2022 dated 18.03.2022 under Sections 447/324/326/308/354/34 of the Indian Penal Code.

-And-

In the matter of : **Sk. Muktar alias Muktar Ali & Ors.**

... ... Petitioner

Mr. Soumik Ganguli, Advocate

Mr. Asfak Ahammed, Advocate

... ... For the Petitioners

Mr. Navnil De, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners refers to the order dated August 3, 2022 passed in CRM (A) 3712 of 2022 by which the co-accused were granted anticipatory bail.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that the fourth petitioner can at best claim parity with other co-accused who were granted anticipatory bail. The first three petitioners are named as assailants in the statement recorded under Section 161 of the Code of Criminal Procedure. He contends that the injuries suffered by the victims are grievous.

The injury report of the victims does not specify that the injuries are grievous.

Considering the fact that other co-accused were granted anticipatory bail and considering the materials in the case diary and considering the fact the police filed charge-sheet, 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) each, 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 condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 4018 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)