

05.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4205 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **127** of **2020** dated **26.05.2020** under Sections 448/302/379/506/120B/34 of the Indian Penal Code, 1860.

And

In Re : Kader Ali Sk. & Ors.

..... petitioners

Mr. Sabir Ahmed

....for the petitioners

Mr. Rudradipta Nandy

Ms. Sonali Das

....for the State

Leave granted to the learned advocate-on-record for the petitioners to correct the cause title.

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, three co-accuseds were granted anticipatory bail by this Hon'ble Court. The police filed charge-sheet and, therefore, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State submits that, prayer for anticipatory bail of some of the co-accuseds were also rejected. He draws the attention of the Court to the order dated November 5, 2020 passed in CRM 8793 of 2020.

The police filed charge-sheet in the present case. Apparently, seven persons were charge-sheeted. Three persons were enlarged on anticipatory bail.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein and considering the fact that the police filed charge-sheet, we 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/- 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

