

06.09.2022
Serial no.20
Aloke

CRM (A) 4240 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No. 310 of 2020 dated 14.08.2020 under Sections 341/323/326/307/448/427/379/504/506/34 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act.

-And-

In the matter of : **Abdul Ajij Khan @ Laltu Khan**

... .. Petitioner

Mr. Niladri Sekhar Ghosh, Advocate
Ms. Srimoyee Mukherjee, Advocate
Ms. Sompurna Chatterjee, Advocate
Mr. Sourav Mondal, Advocate

... .. For the Petitioner

Mr. Saibal Bapuli, Id. APP
Ms. Sayanti Santra, Advocate

... ..For the State

Petitioner seeks anticipatory bail on the ground of parity with the other co-accused who were granted anticipatory bail by the order dated February 28, 2022 passed in CRM (A) 937 of 2022.

Learned Advocate appearing for the State opposes the prayer for grant of anticipatory bail. He submits that the petitioner is the principal accused who mobilized the mob with regard to the incident. Moreover, there are at least 12 criminal cases against the petitioner.

In the present police case the other co-accused were enlarged on bail inter alia on the ground that the possibility of such co-accused being falsely implicated as counter blast to the earlier police case.

The petitioner in the present facts and circumstances, is similarly situated and circumstanced as that of the other co-accused who were granted anticipatory bail on February 28, 2022.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only), 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 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 4240 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)