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(AD) 27.09.2022

C.R.M. (A) 4573 of 2022

Court No.29
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1041 of 2019** dated **14/10/2019** under Sections **341/506/436/304/186/332/333/120B** of the Indian Penal Code read with Sections **3 and 4** of Prevention of Damage of Public Property Act and Section **9** of Maintenance of Public Property Order Act and Section **307** of I.P.C. (G.R. No.4745 of 2019). Charge-sheet submitted vide no.407/20 dated 31.5.2020 under Sections **341/506/436/304/186/332/120B** of the Indian Penal Code read with Sections **3 and 4** of P.D.P.P. Act and addition Section **9** of M.P.O. Act.
And

In the matter of: **Md. Barkatulla @ Barkat**

....petitioner.

Mr. Sujit Sarkar

...for the petitioner.

Mr. S.S. Imam

Mr. R. Jana

...for the State.

Petitioner prays for anticipatory bail.

The claim of parity with other co-accused who was granted anticipatory bail by the order dated December 22, 2021 passed in CRM 8680 of 2021 is not being disputed on behalf of the State.

However, it is pointed out that the police case is of October 14, 2019. Other co-accused was granted anticipatory bail on December 22, 2021.

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/- (Rupees Ten Thousand Only), with two sureties of

like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4573 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)