

28.11.2022
Serial no. 05
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 5436 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Spl. Case no. **05** of **2021** arising out of **Bhagwangola** Police Station Case No. **94** of **2020** dated **19.02.2020** under Sections **406/420/468/471/34** of the Indian Penal Code and subsequently charge sheet submitted under Sections **406/409/381/420/468/471/120B** of the Indian Penal Code.

-And-

In the matter of : **Koustav Mitra @ Kaustav Mitra**
... .. Petitioner

Mr. Somnath Adhikary, Advocate
... .. For the Petitioner

Mr. Rudradipta Nandy, Id. APP
Ms. Sonali Das, Advocates
... ..For the State

The claim for parity of one co-accused who was enlarged on bail by order dated September 8, 2022 passed in CRM (DB) 3047 of 2022 and other co-accused who was enlarged on anticipatory bail by order dated November 11, 2022 passed in CRM (A) 4897 of 2022 is not being disputed on behalf of the State.

Police filed charge sheet.

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) 5436 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)