

29.12.2022

Vacation Bench
SL No.12
s.biswas
(Allowed)

C.R.M. (A) 6109 of 2022

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** P.S. Case No.**238 of 2022** dated **29.03.2022** under Sections **143/144/145/147/148/149/341/188/323/307/427** of the Indian Penal Code read with Section **9** of the West Bengal Maintenance of Public Order Act, 1972.

And

In the matter of: **Hajrat Ali @ Foda and others**

....Petitioners

Mr. Soopal Chatterjee,
Ms. Sucheta Banerjee

...for the Petitioners

Mr. Neiguive Ahmed
Ms. Debjani Dasgupta

...for the State

Learned counsel for the petitioners submits before us *inter alia* that there is a village rivalry and for this reason these accused persons are falsely entangled in the alleged offence. He further submits that some of the accused persons had been granted anticipatory bail by this Court in CRM (A) 5963 of 2022 on 22.12.2022 and as these accused petitioners are on the same footing, the prayer for anticipatory bail of the present petitioners may be granted.

Learned counsel for the State has fairly submits that there is no ingredient of the offence under Section 307 of the Indian Penal Code in this case.

We have considered the rival submissions advanced by both the parties and perused the materials gathered in the record. It appears that some of the accused persons have already been granted anticipatory bail in connection with the

same case and the present petitioners stand on the same footing. Considering the earlier order passed by this Court and also considering the materials involved in this case, we are also 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 ₹10,000/- each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a month till the conclusion of the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

(Prasenjit Biswas, J.)

(Abhijit Gangopadhyay, J.)