

28.02.2022

COURT : 01
ITEM : 41
MATTER : 438
STATUS : ALLOWED
TRANSCRIBER : nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 48 of 2022

In Re:- An application for **anticipatory bail** under section **438** of the Code of Criminal Procedure filed on January 11, 2022 in connection with Naxalbari Police Station Case No. 263 of 2021 dated 20.11.2021 under Sections 341/326/506/34 of the Indian Penal Code.

And

In the matter of : **Sadhana Mandal**

...Petitioner

Mr. Hillol Saha Poddar, Advocate

...for the Petitioner

Mr. Kallol Acharjee, Advocate

Mr. Tapan Bhattacharjee, Advocate

...for the State

The learned Advocate for the petitioner submits that the petitioner being a Panchayat Member has been falsely implicated in the instant case with several other co-accused. It is further submitted that all other co-accused had been extended the benefit under Section 438 of the Code of Criminal Procedure.

The learned Advocate relies upon the order dated 03.01.2022 passed in CRM 1247 of 2021 and order dated 11.01.2022 passed in CRM(A) 28 of 2022 in support of the aforesaid facts.

After perusing the materials from the case diary we find that the petitioner stands on the same footing that of the other co-accused. The allegations against the petitioner is omnibus and attributable to the conduct of all the other co-accused. We are thus extending the benefit of Section 438 of the Code of Criminal Procedure to the petitioner on the ground of parity.

As such, the prayer for anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioner namely **Sadhan Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local to the satisfaction of the arresting officer and on condition as enshrined under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner shall meet the Investigating Officer as and when called for.

The application being **CRM (A) 48 of 2022** is accordingly **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J)