

08.03.2022

COURT : 01
ITEM : 31
MATTER : 438
STATUS : ALLOWED
TRANSCRIBER : nandy

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

CRM (A) 120 of 2022

In Re:- An application for **anticipatory bail** under section **438** of the Code of Criminal Procedure filed on March 7, 2022 in connection with Dinhata Police Station Case No. 526 of 2021 dated 11.10.2021 under Sections 447/326/307/302/34 of the Indian Penal Code with Section 25(1A)/27 of the Arms Act.

And

In the matter of: **Raju Miya**

...Petitioner

Mr. Sudip Guha, Advocate

...for the Petitioner

Mr. Abhijit Sarkar, Advocate

Mr. Biswarup Roy, Advocate

...for the State

Apprehending arrest in connection with Dinhata Police Station Case No. 526 of 2021 dated 11.10.2021 under Sections 447/326/307/302/34 of the Indian Penal Code with Sections 25(1A)/27 of the Arms Act; the petitioner has filed the instant application for anticipatory bail.

Our attention is drawn to the order dated January 11, 2022 passed in CRM (A) 21 of 2022, order dated March 7, 2022 passed in CRM (A) 85 of 2022 wherein some of the petitioners were extended the benefit of Section 438 of the Code of Criminal Procedure on the ground of parity. Our attention is also drawn to the order passed today in CRM (DB) 62 of 2022 wherein one of the co-accused who stand on the same footing had been granted bail.

Learned Advocate for the State opposes the prayer for bail.

Since the other co-accused persons standing on the same footing that of the petitioner have been granted anticipatory bail,

we do not find any justification in not extending such benefit to the petitioner.

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

In the event, the arrest is made in connection with Dinhata Police Station Case No. 526 of 2021, dated 11.10.2021 under Sections 447/326/307/302/34 of the Indian Penal Code read with Section 25(1-A)/27 of the Arms Act, the petitioner, namely **Raju Miya** shall be released on bail subject to furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

In the event, the petitioner fails to adhere to any of the the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application being **CRM (A) 120 of 2022** is accordingly **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J)