

Circuit Bench of Calcutta High Court at Jalpaiguri

CRM 685 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sahebganj** Police Station Case No. **205** of **2020** dated **21.05.2020** under Sections **341/365/325/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Nabi Hossain Miya @ Nayan & Ors.

.... Petitioners.

Mr. Sudip Guha,

... For the Petitioners.

Mr. K. Caharjee,
Mr. S. Ganguly,

... For the State.

The petitioners say that they have been falsely implicated in this case. There are seven accused persons. Out of them three have been extended the privilege of anticipatory bail and one accused person has been granted regular bail after being apprehended. They say that they stand on the same footing as the other three accused persons who have been granted anticipatory bail by this Court in CRM 851 of 2021 and in CRM 889 of 2021 by orders dated 24.12.2021.

The State opposes the prayer for anticipatory bail and says that the charges are serious.

We have seen the material in the case diary. It appears that the present petitioners stand on the same footing as the other three accused persons who have been granted anticipatory bail by this Court as noted above.

Accordingly, on the ground of parity, we are inclined to allow the present application for anticipatory bail.

Accordingly, in the event of arrest, the petitioners, namely, **Nabi Hossain Miya @ Nayan, Abu Taleb Miya @ Taleb Miya and Washim Kaji @ Kaji Washim Akram**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall meet the Investigating Officer once in a fortnight until further orders. The petitioners shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioners fail to adhere to any of 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 for anticipatory bail being CRM 685 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Aniruddha Roy, J.)**

(**Arijit Banerjee, J.)**