

03.02.2023

Sl.5
Court No.29
(AD)
(Allowed)

C.R.M. (A) 459 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nowda** Police Station Case No.**205 of 2022** dated **03.08.2022** under Sections **302/120B/34** of the Indian Penal Code, 1860.

And

In the matter of: **Ashadul Sk & Ors.**

....petitioners.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

... for the petitioners.

Mr. Sudip ghosh
Mr. Apurba Kumar Datta

...for the State.

Petitioners pray for anticipatory bail claiming parity with the other co-accuseds who were enlarged on anticipatory bail by the order dated November 18, 2022 passed in CRM (A) 4293 of 2022.

While granting anticipatory bail to the other co-accuseds on November 18, 2022, the Court undertook to exercise of calling upon a post-mortem doctor as also the Investigating Officer to opine on various aspects of the police case. Thereafter, on consideration of the materials in the case diary, the Court proceeded to grant anticipatory bail to the co-accuseds after coming to a *prima facie* finding that the deceased succumbed to his injuries after meeting with an accident.

In such circumstances, we 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 Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner nos.1,2,3 and 5 will report before the Investigating Officer once a week till the conclusion of the investigation and petitioner no.4 will cooperate with the investigation 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.

C.R.M. (A) 459 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)