

3 21.04.2023
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(AD) Court No.29
(Allowed)

C.R.M. (A) 1396 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** P.S. F.I.R. No.**1132/2022** dated **16/12/2022** under Sections **420/406/384/506/34** of the Indian Penal Code, 1860.

And

In the matter of: **Mohammed Rabiul Khan @ Rabiul Khan & Ors.**

....petitioners.

Mr. Sabyasachi Chaudhuri
Mr. Abhijit Guha Roy
Mr. Md. Zeeshan Uddin
Mr. S.E. Huda
Mr. Sk. Aptabuddin

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP
Mr. Subvrato Roy

...for the State.

Mr. Sourav Chatterjee
Mr. Shibaji Kumar Das
Mr. Soumyajit Das Mahapatra
Mr. Mahboob Rahaman
Ms. Priyanka Dey

... for the de facto complainant.

With

C.R.M. (A) 1627 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** P.S. F.I.R. No.**1132/2022** dated **16/12/2022** under Sections **420/406/384/506/34** of the Indian Penal Code, 1860.

And

In the matter of: **Mohammed Salman Khan**

....petitioner.

Mr. Sabyasachi Chaudhuri
Mr. Abhijit Guha Roy
Mr. Md. Zeeshan Uddin
Mr. S.E. Huda
Mr. Sk. Aptabuddin

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP
Mr. Subvrato Roy

...for the State.

Mr. Sourav Chatterjee

Mr. Shibaji Kumar Das
 Mr. Soumyajit Das Mahapatra
 Mr. Mahboob Rahaman
 Ms. Priyanka Dey

... for the de facto complainant.

Two applications for anticipatory bail are taken up for consideration as they emanate out of the same police case.

The petitioners in **C.R.M. (A) 1396 of 2023** are renewing their prayer for anticipatory bail.

In **C.R.M. (A) 1626 of 2023**, Court granted anticipatory bail to the petitioners therein on the assurances of the private parties as recorded in such order.

It is submitted on behalf of the private parties that, such assurances if worked out, will also resonate on the present police case.

In such circumstances, we deem it appropriate to grant anticipatory bail to the petitioners in **C.R.M. (A) 1396 of 2023** and **C.R.M. (A) 1627 of 2023**.

Learned Advocate appearing for the petitioner in **C.R.M. (A) 1627 of 2023** submits, on instructions, that, the petitioner will report before the Investigating Officer physically before May 15, 2023.

In default of the petitioner in **C.R.M. (A) 1627 of 2023** reporting before the Investigating Officer before May 15, 2023 on any ground whatsoever, the entirety of the order granting anticipatory bail to the petitioners will stand cancelled without further reference to this Court.

Accordingly, we direct that in the event of arrest, the

petitioners in **C.R.M. (A) 1396 of 2023** and petitioner in **C.R.M. (A) 1627 of 2023** 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos.1, 3 and 4 in **C.R.M. (A) 1396 of 2023** will report before the Investigating Officer once a month till the conclusion of the investigation and the petitioner in **C.R.M. (A) 1627 of 2023** shall report before the Investigating Officer before May 15, 2023 and thereafter petitioner no.2 in **C.R.M. (A) 1396 of 2023** and the petitioner in **C.R.M. (A) 1627 of 2023** will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners in both the applications 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 both the applications in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners in both the applications is allowed.

C.R.M. (A) 1396 of 2023 and **C.R.M. (A) 1627 of 2023** are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

