

**24.04.2023**

Serial no. 12

[Dd]

(Anticipatory bail)

**(Allowed)**

**CRM (A) 1718 of 2023**

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jagaddal** Police Station Case No. **372** of **2019** dated **28.04.2019** under Sections **302/120B** of the Indian Penal Code.

-And-

In the matter of : **Jai Prakash Saha @ Jayprokash Jaiswal**  
... .. Petitioner

*Mr. Brajesh Jha,*  
*Mr. Abhijit Saha,*  
*Mr. Neel Chakraborty, Advocate*  
... .. *For the Petitioners*

*Ms. Anasuya Sinha,*  
*Mr. Mayukh Mitra, Advocates*  
... ..*For the State*

Petitioner prays for anticipatory bail.

The police case is dated April 28, 2019.

Normally, long absconsion was one of consideration for grant of anticipatory bail.

In the facts of the present case, the charge sheet was submitted in the year in or about September, 2019. The same was forwarded to the jurisdictional Court in or about May, 2020. The Court took the charge sheet on January 23, 2023. So is the claim of the petitioner before us.

Learned advocate appearing for the State refers to statement recorded under Section 161 of the Criminal Procedure Code. She submits that there are two Jayprokash involved in the case. The charge sheet speaks of one Jayprokash as accused no. 1 while another Jayprokash is arrayed as accused no. 8.

It appears from the statement recorded under Section 161 of the Criminal Procedure Code that the person named Jayprokash. There are no other distinguishing features in such statement so as to indicate which of the two Jayprokash that the person recording the statement under Section 161 of the Criminal Procedure Code, alluded to.

The Court is informed that accused no. 1 in the charge sheet was enlarged on bail by the jurisdictional Court.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

**CRM (A) 1718 of 2023 is disposed of.**

**(Debangsu Basak, J.)**

**(Rai Chattopadhyay, J.)**

