

06.06.2023

Sl. 5

Court No. 12

Sourav/

Suvayan

(Allowed)

C.R.M. (A) 2119 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **English Bazar** Police Station Case No. **1042** of **2019** dated **14.10.2019** under Sections **143/ 144/ 149/ 186/ 225/ 353/ 32/ 333/ 436/ 506/ 120B** of the Indian Penal Code, 1860 read with Sections **3/4** of Prevention of Damage of Public Property Act (corresponding to G.R. Case No. 4746 of 2019).

And

In the matter of: **Sk Rulu**

....petitioner.

Ms. Riya Das

...for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

1. Heard Ms. Riya Das, learned Counsel for the petitioner and Mr. Swapan Banerjee, learned Counsel for the State.
2. This petition for anticipatory bail being CRM (A) 2119 of 2023 arises out of English Bazar Police Station Case No. 1042 of 2019 dated 14.10.2019 under Sections 143/ 144/ 149/ 186/ 225/ 353/ 32/ 333/ 436/ 506/ 120B IPC read with Sections 3/4 of Prevention of Damage of Public Property Act (corresponding to G.R. Case No. 4746 of 2019).
3. The gist of the allegation against the petitioner is that he along with many other persons damaged public property.
4. Learned Counsel for the State is quite vehement in his opposition on the ground that the petitioner having involved in himself in damaging the public property, he should not be released on anticipatory bail as other co-accused persons similarly circumstanced having granted the benefit of regular bail after spending of their time in prison.

5. Considered the materials placed by learned Counsel for the parties including the statement of the witnesses. Charge-sheet is stated to have been filed in the meantime.
6. It is admitted at the Bar that almost all the co-accused persons have already been released on regular bail in the meantime.
7. When question of liberty is concerned and some of the co-accused persons have already been released on regular bail, we do not think that there should be any embargo on the Court to release a person similarly circumstanced on anticipatory bail especially when charge-sheet has already been filed and there is no requirement of any custodial interrogation in view of the fact that liberty is of sacroscant and it is the duty of the State to maintain the law and order.
8. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, and submission of charge-sheet, it is directed that if the petitioner surrenders before the learned Chief Judicial Magistrate, Malda in G.R. Case No. 4746 of 2019 corresponding to English Bazar P.S. Case No. 1042 of 2019 within three weeks from today and makes a motion for bail, he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that i) the petitioner shall not involve himself in similar or any of other offence during the currency of this order; ii) he shall appear before the Inspector-in-Charge, English Bazar P.S. once in a fortnight at the time

and day fixed by the Inspector-in-Charge till commencement of trial and account for his activities during last 15 days in the society or in any political party.

9. Accordingly, the prayer for the anticipatory bail is allowed.

10. The application being **CRM (A) 2119 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

