

30.08.2023

SL. 57

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3506 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Domkal** P.S. Case No. **594 of 2022** dated **16.09.2022** under Sections **304/34** of the IPC pending before the learned CJM, Berhampore, Murshidabad.

And

In the matter of: **Rabkul Biswas @ Robkul**

....petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

...for the petitioner.

Mr. Joydeep Roy
Mr. Amanul Islam

...for the State.

1. Heard learned Advocate for the petitioner and learned Advocate for the State at length.
2. Learned Advocate for the petitioner seeks parity since other co-accused persons have been enlarged on regular bail by this Court on 12.06.2023 in CRM (DB) 2196 of 2023. It is contended on behalf of the petitioner that the present accused petitioner stands on the same footing with the accused persons already enlarged on regular bail in the aforementioned case.
3. Learned Advocate for the State submits that in the meantime a prayer has been made for issuance of proclamation as against the present petitioner on 19.08.2023. It reveals to us that the instant case has been filed on 09.08.2023; that is much prior to making prayer of issuance of proclamation.
4. Such being the position, there cannot be any bar to entertain the instant application for anticipatory bail.
5. We also find that the present petitioner is similarly circumstanced with the petitioners of CRM (DB) 2196 of 2023.
6. Investigation is stated to have been completed.

7. Regard being had to facts and submissions, factum of permanent residence of the petitioner, ground of parity and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial Magistrate, Berhampore, Murshidabad within 15 days from today in the G.R. case arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
8. The learned CJM is directed to act upon the server copy of this order, if required.
9. Accordingly, the prayer for the anticipatory bail is partly allowed.
10. The application being **CRM (A) 3506 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

