

02.08.2023

SL. 5

Court No. 29

Suvayan

(Allowed)

C.R.M. 9564 of 2020

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jalangi** P.S. Case No. **47 of 2020** dated **30.01.2020** under Sections **302/326/307/34** of the IPC and Sections 27/35 of the Arms Act corresponding to G.R. Case No. **336 of 2020** pending before the learned CJM, Berhampore, Murshidabad.

And

In the matter of: **Ilias Sarkar @ Ilias Sk**

....petitioner.

Mr. Anisur Rahaman

...for the petitioner.

Mr. Sudip Ghosh

Ms. Sujata Das

...for the State.

1. Heard learned Counsel for both the parties.
2. Learned Counsel for the petitioner claims parity with co-accused person who has already been released on anticipatory bail.
3. Learned Counsel for the State submits that though there is ground of parity in respect of present petitioner, the case may be distinguished on the basis that the persons who was granted the benefit of anticipatory bail was not named in the FIR and the present petitioner was named in the FIR.
4. Charge-sheet is stated to have been filed.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, 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 No. 336 of 2020 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. Including the conditions that:

- i) the petitioner shall appear before the Trial Court in person on each date of substantive hearing subject to provision of Section 317 Cr.P.C.;
 - ii) the petitioner shall not leave the jurisdiction of the Trial Court without obtaining prior permission from such Court if the duration of such sojourn is more than 15 days;
 - iii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. The learned CJM is directed to act upon the server copy of this order, if required.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM 9564 of 2020** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

