

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

10.10.2023.
28/pm

C.R.M.(A) 842 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.09.2023 in connection with Dinhata P.S case no. 293 of 2023 dated 20.06.2023 under Sections 341/325/326/307/506/34 of the Indian Penal Code and read with Section 25/27 of the Arms Act and corresponding to G R Case No. 317 of 2023.

Allowed

In Re : Mafijul Haque & Anr. petitioners

Mr. Sudip Guha

..... for the petitioner

Mr. Ahijit Sarkar,
Mr. Arjun Chowdhury

..... for the State

From the orders annexed to the application it is explicit that the accused persons are similarly standing on the same footing like other co-accused who have been extended benefit under Section 438 of the Code of Criminal Procedure.

Though learned advocate representing the State opposes this application but has not denied the fact that the other co-accused have already been granted bail which is part of record.

Considering the facts as appears on perusal of the FIR and other materials on record and Case Diary, this Court is of the view that the present petitioners are also entitled to the benefit under Section 438 of Code of Criminal Procedure.

In the event of arrest, the petitioners may find bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand), separately each with two sureties of equal amount each to the satisfaction of the learned ACJM, Dinhata subject to the

conditions that the petitioners shall meet the Investigating Officer once in a fortnight until further order of this Court. Petitioners shall cooperate with the investigating officer and make themselves available as and when they would be called for in course of investigation and in course of trial. The petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM (A) 842 of 2023 is accordingly disposed of.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)