

17.01.2024
Item No.2
Ct. No. 29
CHC
Allowed

C.R.M.(A) 110 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malipanchghara** Police Station Case No. **52/23** dated **22.03.2023** under Sections **278/ 285/ 287/ 338/ 326/ 308/34** of the Indian Penal Code.

And

In the matter of : Nandalal Shaw @ Nandalal Shaw

..... petitioner

Mr. Milon Mukherjee, Sr. Advocate

Mr. Subhasish Pachchal

....for the petitioner

Mr. Aniket Mitra

....for the State

Petitioner prays for anticipatory bail.

Prayer for anticipatory bail is based on claim of parity with Mahesh Shaw who was granted anticipatory bail by the co-ordinate Bench on August 11, 2023 in CRM(A) 3018 of 2023.

Mahesh Shaw was one of co-owners of the factory where, a blast took place.

Several labours were injured.

The co-ordinate Bench while granting anticipatory bail to Mahesh Shaw observed that the explosion happened in the welding shop causing injury to some victims. The co-ordinate Bench did not find any material implicating Mahesh Shaw in the offence alleged.

Mahesh Shaw is another co-owner as that of the petitioner before us.

Materials in the Case Diary does not place the petitioner before us at the place and time of occurrence.

In such circumstances, we grant anticipatory bail to the petitioner on the ground parity.

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 will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 110 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)