

01.02.2024

DL-27

Court No.29

(AD)

(Allowed)

C.R.M. (A) 288 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1464 of 2022** dated **17.12.2022** under Sections **341/324/326/308/379/506/34** of the Indian Penal Code, 1860, read with Sections **25(1)(a)/27** of the Arms Act. (G.R. Case No.3418 of 2022).

And

In the matter of: **Safikul Islam @ Babu @ Babu Ali**

....petitioner.

Ms. Sujata Das

...for the petitioner.

Mr. Anwar Hossain

Mr. Asraf Mondal

...for the State.

Petitioner claims parity with other co-accuseds who were granted anticipatory bail by the order dated February 7, 2023 passed in CRM (A) 525 of 2023.

Learned Advocate appearing for the State opposes the prayer for grant of anticipatory bail. He refers to the materials in the case diary and the fact that proclamation against the petitioner was issued.

Apparently, the proclamation was not executed when the application for anticipatory bail was filed.

The injury report of the injured suggests that the physical assault was by punch, kick and bamboo stick.

Police filed charge sheet.

In such circumstances, we extend the same facility as that of the other co-accuseds who were granted anticipatory bail on February 7, 2023 in CRM(A) 525 of 2023 to the petitioner before us.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 288 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)