

13.02.2024

Serial no. 18

Anticipatory Bail

[Allowed]

Dd

CRM (A) 423 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **508** of **2023** dated **08.07.2023** under Sections **341/326/307/302/34** of the Indian Penal Code, 1860 read with Sections **25(1-B) (a)/27/35** Arms Act and Sections **3/4** of E.S. Act. (G.R. Case No. 4309/2023)*

-And-

In the matter of : **Ujir Sk @ Ujir Sekh & Ors.**

... .. Petitioners

Mr. Musharraf Sk. Alam,

Mr. Sujoy Sarkar,

Mr. Rahul Chachan, Advocates

... .. For the Petitioners

Mr. Ranadeb Sengupta, Advocate

... ..For the State

Petitioners pray for anticipatory bail on the ground of parity with other co-accuseds who were granted such facility by the order dated January 4, 2024 passed in CRM(A) 5736 of 2023 and order dated January 30, 2024 passed in CRM(A) 238 of 2024.

Learned advocate appearing for the petitioners submits that, the petitioners before us stand on the same footing as that of another co-accuseds whose prayer for anticipatory bail was rejected by the co-ordinate Bench by the order dated September 25, 2023 passed in CRM (A) 3924 of 2023. In his usual fairness he also points out that, the persons standing on the same footing as that of the petitioners who were granted anticipatory bail by two orders dated January 4, 2024 and January 30, 2024.

Since the petitioners stand on the same footing as that of other co-accuseds whose prayer for anticipatory bail was allowed, we prefer to extend the same facility to the petitioners before us.

Police filed charge sheet.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 423 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)