

07.03.2024
DL-26
Court No.29
(AD)
(Rejected)

C.R.M. (A) 813 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **429 of 2023** dated **09.07.2023** under Sections **341/325/326/307/34** of the Indian Penal Code, 1860. (G.R. Case No.4365 of 2023).

And

In the matter of: **Saidul Sk @ Saidul & Anr.**

....petitioners.

Md. Wasim Akram

... for the petitioners.

Mr. Prasun Kumar Dutta, Ld. APP
Ms. Puspita Saha

... for the State.

Petitioners claim for parity with the other co-accuseds who were granted anticipatory bail by the order dated January 8, 2024 passed in CRM (A) 4717 of 2023.

Such prayer is opposed on behalf of the State on the ground that the petitioners before us are named in the statement recorded under Section 161 of the Code of Criminal Procedure.

We confirmed an interim order of anticipatory bail granted by the Coordinate Bench in our order dated January 8, 2024 passed in CRM (A) 4717 of 2023 after finding that some of the petitioners therein were not named in the statement under Section 161 of the Code of Criminal Procedure. Those persons who were named were denied anticipatory bail by such order.

Petitioners before us are named in such statement recorded under Section 161 of the Code of Criminal Procedure as active participants in the incident.

Petitioners, therefore, stand on the same footing as that of the co-accuseds whose prayer for anticipatory bail were rejected on January 8, 2024 passed in CRM (A) 4717 of 2023.

Consequently, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 813 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)