

14.03.2024

Serial no. 15
Anticipatory Bail
[Allowed]
Dd

CRM (A) 910 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tarapith** Police Station Case No. **42** of **2020** dated **28.06.2020** under Sections **147/148/149/307** of the Indian Penal Code, 1860 read with Sections **3 & 4** of Explosive Substances Act, 1908 pending before **ACJM, Rampurhat, Birbhum.***

-And-

In the matter of : **Tutul Sk & Ors.**

... .. **Petitioners**

Mr. Arnab Saha, Advocate

... .. *For the Petitioners*

Ms. Amita Gaur, Advocate

... ..*For the State*

Petitioners pray for anticipatory bail on the ground of parity.

Learned advocate for the petitioners contends that other co-accuseds were granted anticipatory bail by the order dated January 3, 2024 passed in CRM (A) 4370 of 2023.

Learned advocate for the State submits that the petitioners were absconding. They are named in the charge sheet but no recovery obviously could be made as they were absconding.

We considered the materials in the case diary.

Police filed charge sheet.

Prior to our order dated January 3, 2024 passed in CRM (A) 4370 of 2023, co-accuseds therein were granted interim protection by the co-ordinate Bench. Thereafter, we confirmed the interim protection granted on October 16, 2023. Petitioners

before us stand on the same footing as that of such co-accuseds.

In such circumstances, we grant anticipatory bail to the petitioners before us on the ground of parity.

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) 910 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)