

21.03.2024

Serial no. 04

Anticipatory bail

[Allowed]

Dd

CRM (A) 957 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bishnupur** Police Station Case No. **219** of **2023** dated **01.11.2023** under Sections **409/420/34/120B/34** of the Indian Penal Code, 1860 pending before Ld. Court of Sessions Judge, Bankura.*

-And-

*In the matter of : **Sk. Kutubuddin***

*... .. **Petitioner***

Ms. Pampa Dey (Dhabal) , Advocate

... .. For the Petitioner

Mr. Saibal Bapuli, APP

Mr. Nirupam Dhali, Advocate

... ..For the State

Petitioner prays for anticipatory bail on the ground of parity with the other co-accused who was afforded such facility by our order dated February 19, 2024 passed in CRM (A) 5654 of 2023.

Learned advocate for the State submits that the petitioner does not stand in the same footing as that of the other co-accused. He submits that the petitioner was instrumental in collecting the money from the customer and not depositing with the financial institution.

We perused the materials in the case diary, our order dated February 19, 2024 passed in CRM (A) 5654 of 2023 as also the complaint lodged under Section 156(3) of the Criminal Procedure Code, 1973.

The averments in the petition under Section 156(3) of the Criminal Procedure Code, 1973 alleges that, both the co-accused who was granted anticipatory bail as also the petitioner

before us were instrumental in collecting money from the public and not depositing the same with the financial institution.

On the basis of such averments itself we find that the petitioner before us stands on the same footing as that of the co-accused who was granted anticipatory bail by us.

Consequently, on the ground of parity, we grant anticipatory bail to the petitioner.

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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

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

CRM (A) 957 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)