

08.04.2024

73
S.D./A.D.
Allowed

C.R.M. (A) No. 1160 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Galsi Police Station Case No. 628 of 2023 dated 15.10.2023 under Sections 147/148/149/341/326/307/379/506/34 of the Indian Penal Code, 1860 pending before the learned Chief Judicial Magistrate, Burdwan.

And

In Re : Jakir Mandal @ Jakir Mondal petitioner

Mr. Jyoti Prakash Chatterjee
.....for the petitioner

Mr. Jaydeep Biswas
Ms. Debadrita Mondal
....for the State

1. Petitioner contends he is not the principal accused. Co-accused similarly circumstanced with the petitioner have been granted pre-arrest bail by the learned Sessions Judge. He prays for similar relief.
2. Learned Lawyer for the State submits report stating the petitioner is named as an accused in the FIR. Victim has implicated him in the assault.
3. We have considered the materials on record. Petitioner is not the principal accused. He stands on the same footing with the co-accused who have been granted pre-arrest bail by the learned Sessions Judge.
4. Accordingly, we are inclined to extend the same privilege to the petitioner.
5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date and on further condition he shall not enter into the jurisdiction of Galsi Police Station till submission of the report of the I.O. and he shall submit an affidavit before the Officer-in-Charge, Galsi Police Station stating therein that he shall not commit similar type of offence and also disclose their place of abode during this period with 10 days hereof.

6. The application for anticipatory bail is, thus, allowed.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)