

11.06.2024
SL No.22
Court No.29
TN
(Allowed)

CRM (A) 1863 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Lake Town Police Station Case No.97 of 2024 dated 10.04.2024 under Sections 441/447/465/467/471/472/473/474/475/506/120B of the Indian Penal Code & corresponding to G.R. No. 412 of 2024.

And

In the matter of : **Ashoke Bose and others.**

- petitioners.

Mr. Pinak Kumar Mitra,
Ms. Subhanwita Ghosh,
Mr. Soumon Nanda

....for the petitioners.

Mr. Joydeep Biswas,
Mr. Karan Bapuli

... for the State.

Mr. Atarup Banerjee,
Mr. Arindam Sen,
Mr. Saurav Basu,
Mr. Samit Bhanja

... for the *de facto* complainant.

1. Learned Counsel for the petitioners submits that the petitioners may be granted anticipatory bail on a parity of reasoning as the petitioners stand on the same footing as Achintya Bose was granted anticipatory bail in CRM (A) 1852 of 2024.
2. Learned Counsel appearing on behalf of the State has submitted that the petitioners stand on the same footing as Sri Achintya Bose and suitable order may be passed in this regard.

3. In Achintya Bose (supra), we have taken into consideration that the dispute is essentially civil in nature and the petitioner was enjoying an interim order in a pending civil suit.
4. The situation and the circumstances being alike, we are of the view that the petitioners are entitled to the anticipatory bail on parity of reasoning.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ashoke Bose, Ajoy Bose and Aloke Bose** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week or as and when required till the submission of the final report and shall appear before the jurisdictional Court within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)