

02.07.2024  
Court No.29  
Item No. 8

Allowed

sg

CRM (A) 1950 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nazat Police Station Case No. 139 of 2019 dated 08.06.2019 under Sections 147/148/149/325/326/302 of the Indian Penal Code and Sections 25/27 of the Arms Act, pending before the learned Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas.

And

|                                              |                    |
|----------------------------------------------|--------------------|
| In Re: <b>Bittu Das</b>                      | Petitioner         |
| Mr. Rajendra Banerjee<br>Mr. Joy Chakraborty |                    |
|                                              | For the Petitioner |
| Ms. Faria Hossain<br>Mr. Subham Bhakat       |                    |
|                                              | For the State      |
| Mr. Rudradipta Nandy,                        | Special PP (CID)   |

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case. The petitioner is similarly situated as that of other co-accused who have been granted anticipatory bail in CRM 1148 of 2021 on 29<sup>th</sup> July, 2021; in CRM 385 of 2020 on 14<sup>th</sup> January, 2020 and in CRM 5734 of 2021 on 23<sup>rd</sup> December, 2021.
2. The learned Counsel for the State, in opposing the prayer for the anticipatory bail, has referred to the order passed by a coordinate Bench on 21<sup>st</sup> April, 2023 in CRM(A) 1702 of 2023 rejecting the prayer of one Rabin Das on the ground that the materials in the case diary implicate the petitioner.

3. However, it appears that the coordinate Bench on an earlier occasion on 23<sup>rd</sup> December, 2021 allowed the anticipatory bail of petitioners namely, Sankar Mondal & Anr. in CRM 5712 of 2021 and it appears from record that all the co-accused persons have been granted anticipatory bail are similarly placed as that of the present petitioners against whom the warrant of arrest is pending and also the proclamation issued recently on 29<sup>th</sup> June, 2024 during the pendency of this proceeding.
4. Considering the fact that claim in parity on the basis of the orders mentioned above in respect of co-accused have not been denied on behalf of the State and having regard to the fact that chare-sheet has already been filed, we are of the view that custodial interrogation of the present petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner namely, **Bittu Das**, shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Basirhat, North 24 Parganas and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, ACJM, Basirhat, North 24 Parganas in connection with G.R. No. 1726 of 2019 within one week from date.
6. In the event the petitioner fails to appear before the trial court without justifiable cause and fails to comply with any of the aforesaid conditions, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

8. CRM (A) 1950 of 2024 is, thus, disposed of.
9. The status report filed by the CID is taken on record.
10. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Soumen Sen, J.)**

**(Uday Kumar, J.)**