

27.06.2024
SL No.13
Court No.29
TN
(Allowed)

CRM (A) 1985 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case No.428 of 2023 dated 24.12.2023 under Sections 304/34 of the Indian Penal Code.

And

In the matter of : **Azizul Biswas @ Ajijul Biswas and others.**
- petitioners.

Mr. Arnab Chatterjee,
Mr. Dhanasree Biswas,
Ms. Poulami Bose

....for the petitioners.

Mr. Debasish Roy, Ld. PP,
Mr. Arijit Ganguly,
Mr. Koushik Kundu

... for the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. The petitioners have referred to the several orders passed by coordinate Bench to show that co-accused persons similarly placed as that of the petitioners have been granted anticipatory bail.
2. The learned Counsel for the State in opposing the prayer, however, has fairly submitted that the petitioners stand on the same footing as that of the other co-accused persons who have been granted anticipatory bail in CRM (A) 1530 of 2024, CRM (A) 1665 of 2024, CRM (A) 1679 of 2024, CRM (A) 1699 of 2024 and CRM (A) 1762 of 2024.
3. In view of the fact that a number of co-accused were granted anticipatory bail from time to time and the claim for parity

with such co-accused cannot be disputed and also having regard to the fact that charge-sheet has already been filed, we allow the prayer for anticipatory bail of the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Azizul Biswas @ Ajijul Biswas, Sahabul Mondal @ Sahabul Sk, Soharabh Mandal @ Sourav Mondal, Oliul Azim @ Raju Biswas @ Oliul Ajim and Jiarul Sk @ Jiya Sk @ Jiyarul Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate at Berhampore, Murshidabad within two weeks from date and pray for regular bail.
5. It is further directed 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 presence of the petitioners in court including cancelling the anticipatory bail granted without further reference to this court.
6. Accordingly, the application for anticipatory bail is 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.)