

09.07.2024
Court No.29
Item No. 47

Allowed

sg

CRM (A) 2260 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Udaynarayanpur Police Station Case No. 40 of 2022 dated 03.05.2022 under Sections 147/148/149/186/353/332/333/308/506 of the Indian Penal Code and Section 9 of Maintenance of Public Order Act and Section 3 of Prevention of Damage to Public Property Act, pending before the learned Additional Chief Judicial Magistrate, Uluberia.

And

In Re: **Sk. Sarifuddin @ Saheb & Ors.**

Petitioners

Mr. Apalak Basu
Mr. Nazir Ahamed
Mr. Samirul Hassan

For the Petitioners

Mr. Avishek Sinha
Ms. Riddhi Banerjee

For the State

1. Claiming parity with the co-accused persons, namely, Meheraj Molla @ Meheraj Ali Molla @ Miraj Molla and Siraj Ali Molla, a prayer for anticipatory bail is made.
2. The learned Counsel for the State has not denied that the present petitioners are standing on the same footing as the co-accused persons namely, Meheraj Molla @ Meheraj Ali Molla @ Miraj Molla and Siraj Ali Molla, who have been granted anticipatory bail on 1st December, 2023 and 11th January, 2024 in CRM(A) 5100 of 2023 and CRM(A) 71 of 2024 respectively. The police have filed charge-sheet in the meantime.
3. Keeping in view that the petitioners are standing on the same footing as that of the co-accused persons, we extend the same benefit to these petitioners also and we allow the prayer for anticipatory bail of the present petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners namely, **Sk. Sarifuddin @ Saheb, Sk. Asadul @ Jarakhan and Sk. Nasir Ali @ Tanku**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of learned Arresting Officer and also subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and on condition that the petitioners shall appear 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.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. CRM (A) 2260 of 2024 is, thus, disposed of.
7. 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.)