

**11.07.2024**

Court No.29

Item No.27

**Allowed**

ar

**CRM (A) 2327 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 121 of 2020 dated 11.05.2020 corresponding to G.R. Case No. 405 of 2020 under Sections 147/148/149/186/188/332/333/153A/427/436/325/326/307 of the Indian Penal Code read with Section 9 of the West Bengal Maintenance of Public Order Act, 1972 and Section 9(b)(ii) of the Indian Explosive Act, 1884 and Section 3/4 of the Explosive Substance Act, 1908.

And

In Re: **Mukesh Kumar @ Mukesh & Ors.**

Petitioners

Mr. Samrat Banerjee

For the Petitioners

Mr.Soumik Ganguly

Mr. Jisan Iqbal Hossain

For the State

1. Learned counsel for the petitioners has prayed for pre-arrest bail claiming parity as that of Wakil Ahmed @ Wakil Ansari, who was granted anticipatory bail by a coordinate bench on 1<sup>st</sup> October, 2020 in CRM 7243 of 2020.
2. Learned counsel for the State has opposed the prayer for anticipatory bail, so far as the petitioner no. 1 is concerned and, however, admits that the petitioners are standing on the same footing as that of Wakil Ahmed @ Wakil Ansari. 94 persons including the petitioners were named in the F.I.R.
3. We have considered the materials on record. Although the injuries suffered by the victim are life threatening, statements do not attribute specific overt act against Wakil Ahmed. The coordinate bench observed that keeping in mind the vague and omnibus nature of accusations made

against the petitioner, Wakil Ahmed, granted anticipatory bail to him. The petitioners on the basis of the aforesaid have claimed parity.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Mukesh Kumar @ Mukesh, Bihari Choudhury @ Bihari, Murari Choudhary @ Murari and Shailesh Kumar Ram @ Satish @ Gora** 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, 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 called for till the submission of the final report. The petitioners shall not leave the jurisdiction of Bhadreswar Police Station without the leave of the Investigating Officer and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chandannagore, Hooghly, within two weeks from date in connection with G.R. Case No. 405 of 2020. 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.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Sugato Majumdar, J)

