

Court No. 29
(266041)

CRM (A) 2486 of 2024

29.07.2024
(AD 14)
(S. Banerjee)

(Allowed)

In re: ^e An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagrik Suraksha Sanhita in connection with Bhupatinagar Police Station Case No. 182 of 2023 dated 18.05.2023 under Sections 147/148/149/186/188/307/332/333/353/506 of the Indian Penal Code read with Section 9 of West Bengal Maintenance of Public Order Act and Section 9B of the Explosive Act, Section 3 of PDPP Act, Sections 25/27 of Arms Act.

And

In the matter of: Tapan Midya & Ors.

...petitioners

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Mr. Abhijit Singh
Mr. Souvik Palodhi

... for the petitioners

Mr. Prasun Kumar Dutta
Ms. Snigdha Saha

... for the State

1. Claiming parity with Tapan Midya (in CRM(A) 2375 of 2024), Manas Mandal (in CRM(A) 2379 of 2024 and Pushpendu Pradhan & Ors. (in CRM(A) 2377 of 2024), Mr. Rajdeep Mazumder, learned counsel appearing on behalf of the petitioners, have prayed for anticipatory bail.
2. Learned counsel for the State in opposing the prayer has submitted that unlike other cases, in the instant case the de facto complainant has suffered bullet injury.

3. We have considered the injury report and the statement of the witnesses. Admittedly the names of the petitioners have not been surfaced on the statement of the witnesses.
4. On such consideration, we are of the view that the petitioners stand on the same footing as that of the other co-accused persons enlarged on bail.
5. Accordingly, we direct that in the event of arrest, the petitioners 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, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners shall meet the IO once in a week or as and when required. The petitioners shall not leave the jurisdiction of the Bhupatinagar Police Station till the submission of the final report.
6. It is further directed that the present petitioners shall appear before the learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur within two weeks from date and pray for regular bail.
7. 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 canceling the anticipatory bail granted without further reference to this court.

8. Accordingly, the application for anticipatory bail is allowed.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)