

24.07.2024
SL No.28
Court No.29
(gc)
(Allowed)

CRM (A) 2459 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure read with Section 482 of BNSS, 2023 filed in connection with Bagnan Police Station Case No.229 of 2024, dated 30.04.2024 under Sections 341/353/333/307/34 of the Indian Penal Code.

And

In the matter of : **Atiyar Khan**

- Petitioner.

Mr. Sabyasachi Chatterjee,

Mr. Omar Faruk Gazi

....For the Petitioner.

Mr. Anindya Sundar Chatterjee

... For the State.

1. Claiming parity with the accused Sahabul Ali Khan in CRM (A) 1801 of 2024 and Mustaqim Khan @ Mustakin Ali Khan in CRM (A) 2099 of 2024, in which the Coordinate Benches have allowed the prayer for anticipatory bail on 22nd May, 2024 and 4th July, 2024 respectively, a prayer for anticipatory bail is made on behalf of the present petitioner.
2. The learned Counsel appearing for the State, however, has fairly submitted that the present petitioner stand on the same footing as that of the accused persons who have been granted anticipatory bail by the Coordinate Benches.
3. In view of the aforesaid, we allow this application for anticipatory bail.
4. Accordingly, we direct that in the event of arrest the petitioner, namely, **Atiyar Khan**, shall be released on bail upon furnishing

a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner 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 the presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.

5. Prayer for anticipatory bail of the petitioner is allowed.
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.)