

06.09.2024
Court No.29
Item No. 8

Allowed
sg

CRM (A) 2988 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Mollarpur Police Station Case No. 109 of 2024 dated 16.05.2024 under Sections 147/148/149/186/307/323/325/326/332/333/341/353/427/506 of the Indian Penal Code and Section 9 of West Bengal Maintenance of Public Order Act, pending before the learned Additional Chief Judicial Magistrate at Rampurhat, Birbhum.

And

In Re: **Ashoke Mal & Ors.**

Petitioners

Mr. Anindya Lahiri
Mr. Bitasok Banerjee
Mr. Anish Chakraborty

For the Petitioners

Ms. Zareen N. Khan
Ms. Suveni Banerjee

For the State

1. We are aghast to see the conduct of the prosecution in persuading the jurisdictional court to declare the petitioners as proclaimed offenders on 30th August, 2024 in presence of the learned Counsel for the State. The order of proclamation was passed on 31st August, 2024 without bringing our order dated 30th August, 2024 to the notice of the jurisdictional court of.
2. Be that as it may, the petitioners have claimed parity with the co-accused persons namely, Arpita Roy @ Ramu Roy, who has been granted anticipatory bail in CRM(A) 2544 of 2024 on 31st July, 2024 and Jnanananda Ray & Ors. who have been granted anticipatory bail in CRM(A) 2652 of 2024 on 6th August, 2024.
3. The prayer in this application is not maintainable on the ground the petitioners have been declared proclaimed offenders is not accepted in view

of the fact that the application for anticipatory bail was filed prior to the declaration of the petitioners as proclaimed offenders. If we disregard the order of proclamation then the petitioners are similarly placed as that of the co-accused persons who have been granted anticipatory bail in connection with the aforesaid matter.

4. In view thereof, we allow the application for anticipatory bail to the present petitioners.
5. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Ashoke Mal, Koti Mal, Tulsi Mal, Sabita Mal, Amit Mal, Bulu Mal, Shyamali Mal, Lalan Mal, Kanika Mal and Sujay Mal** 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. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, within two weeks from date.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)