

06.09.2024
Court No.29
Item No. 9

Allowed
sg

CRM (A) 3041 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 147/148/149/186/353/332/323/325/326/427/506/307 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: **Padyut Mal @ Rathin Mal**

Petitioners

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

For the Petitioners

Ms. Subhamoy Bhattacharya
Ms. Jonaki Saha

For the State

1. Claiming 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, a prayer for anticipatory bail is made.
2. The learned Counsel for the State has submitted that the petitioner has been declared as proclaimed offenders in the meantime. It is further submitted that the petitioners are not standing in the same footing as that of the co-accused persons.
3. However, it is not being disputed that if this Court ignores the proclamation then the petitioner stands on the same footing. It is evident from the record that although the petitioner has filed an application for anticipatory bail on

21st August, 2024 and the matter was taken up for consideration on 3rd September, 2024, the petitioner was declared as proclaimed offender on 31st August, 2024. It also appears from the record that notwithstanding pendency of this application, the prosecution with unprecedented haste does not have been shown in respect of the other matters where attachment and declaration have not been even prayed for years to come and certainly felt an urgency by a put up petition to obtain an order of proclamation on 31st August, 2024. This practice is deprecated.

4. We are unable to accept that the prosecution was not aware of the fact that Ashoke Mal and Ors. have been enjoyed an interim protection and the present petitioner is also a person named in the FIR. It is clearly an act to circumvent the order passed by this Court.
5. In view of the fact that this petition was filed prior to the petitioner being declared as a proclaimed offender and there cannot be any doubt that the petitioner stand on the same footing as that of Arpita Roy @ Ramu and Jnanananda Ray & Ors., we allow the application for anticipatory bail to the present petitioners.
6. Accordingly, we direct that in the event of arrest, the present petitioner, namely, **Padyut Mal @ Rathin Mal** 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 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 petitioner shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, within two weeks from date.

7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. 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.)