

02.01.2024
09
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4207 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **913** of **2022** dated **16.7.2022** under Section 120B/420/406/468/471/34 of the Indian Penal Code.

And

In Re : Md. Fahim Reza & Anr.

..... petitioners

Ms. Chandrima Debnath

....for the petitioners

Ms. Faria Hossain

Ms. Baisali Basu

....for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

By such order dated October 16, 2023, the petitioners were enlarged on an interim anticipatory bail.

It is submitted at the bar that, the interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We considered the materials in the case diary.

Learned advocate appearing for the petitioners submits that, principal accused was enlarged on anticipatory bail by an order dated August 23, 2022 passed in CRM (A) 4003 of 2022. His clients stand on a better footing.

Learned advocate appearing for the State submits that, the statement recorded under Section 164 of the Cr.P.C. implicates the petitioners.

The statement recorded under Section 164 of the Cr.P.C. is directed against Md. Zahir Anwar & Anr., who were enlarged on anticipatory bail by the order dated August 23, 2022 passed in CRM (A) 4003 of 2022.

Considering the fact that co-accuseds were enlarged on anticipatory bail and the fact that the State did not take any steps with regard to grant of such order, we extend the same facility to the petitioners. The interim order granted on October 16, 2023 is confirmed.

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, 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 petitioners shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition 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 the presence of the

petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)