

03.01.2024
Item No.10
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4257 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **850** of **2023** dated **13.08.2023** under Sections **341/324/325/354B/307/34** of the Indian Penal Code, 1860.

And

In the matter of : Rakib Ali & ors.

..... petitioners

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim,
Mr. Kiron Sk.

....for the petitioners

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioners submits that petitioners stands on the same footing as that of other co-accused who was enlarged on anticipatory bail by the order dated October 11, 2023 passed in CRM(A) 4120 of 2023.

The claim of parity is not being disputed on behalf of the State.

In such circumstances, we extend the same facility to the petitioners as that of the co-accused who was granted anticipatory bail by the order dated October 11, 2023.

We confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 will report before the Investigating Officer twice in a week till the conclusion of 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.

CRM(A) 4257 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)