

02.01.2024

Serial no. 98

Anticipatory bail

[Allowed]

Dd

CRM (A) 4355 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raninagar** Police Station Case No. **357** of **2023** dated **09.07.2023** under Sections **302/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 2135/2023)

-And-

*In the matter of : **Asim Ghosh***

*... .. **Petitioner***

Mr. Robiul Islam,

Mr. Raju Mondal, Advocates

... .. For the Petitioner

Mr. Neguive Ahmed, APP

Ms. Ayantika Ray, Advocates

... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner stands on the same footing, if not better, as that of Jahangir Fakir who were enlarged on anticipatory bail by coordinate Bench by an order dated August 18, 2023 passed in CRM(A) 2962 of 2023.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

We find from the materials in the case diary that the father of the victim recorded a statement under Section 161 of the Criminal Procedure Code where, he stated that Jahangir Fakir led a mob in assaulting the victim leading to his death.

Jahangir Fakir was enlarged on anticipatory bail by the coordinate Bench by an order dated August 18, 2023 passed in CRM(A) 2962 of 2023.

On a query from the Court as to whether the State took any steps with regard to such order, learned advocate appearing for the State submits that no steps were taken.

Police filed charge sheet.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4355 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)