

05.01.2024
Sl.23
Court No.29
(AD)
(Rejected)

C.R.M. (A) 4587 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jhargram** Police Station vide First Information Report Case No.**29 of 2023** dated **02.02.2023** under Sections **325/326/307/120B** of the Indian Penal Code, 1860, read with Sections **25/27** of the Arms Act. Corresponding to G.R. Case No.114 of 2023.

And

In the matter of: **Somnath Das**

....petitioner.

Ms. Devi Priya Mitra

... for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Arabinda Manna

...for the State.

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

By such order, the interim anticipatory bail was granted to the petitioner.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We considered the materials in the case diary.

We find from the records that co-accused standing in the same footing as that of the petitioner was denied anticipatory bail by the order dated March 28, 2023 passed in CRM(A) 1222 of 2023.

Another co-accused was granted anticipatory bail by the Coordinate Bench on August 29, 2023 passed in CRM(A) 3426 of 2023.

Apparently, the Coordinate Bench was not apprised of the

order dated March 28, 2023 passed in CRM(A) 1222 of 2023.

We are bound by the earlier decision dated March 28, 2023. We find that the petitioner stands on the same footing as that of the co-accused was denied anticipatory bail on March 28, 2023.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023 or grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 4587 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)