

January 8, 2024
SI No.A 84
s.biswas/cp
(Allowed)

CRM (A) 4664 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Palashipara** Police Station Case No. **253 of 2023** dated **14.08.2023** under Sections **341/326/307/34** of the IPC and Sections **25/27** of the Arms Act.

And

In Re: **Humayun Kabir and others**

... .. Petitioners

Ms. Minoti Gomes
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Dona Sanyal
Ms. Roma Roy

... for the petitioners

Mr. Madhusudan Sur, APP
Mr. Arabinda Manna

... for the State

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly
Ms. Neelanjana Ghorui
Ms. Sarmistha Basak

... for the defacto compalinant

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023.

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.

We perused the materials in the case diary.

Learned advocate for the petitioners submits that the petitioners before us stand on the same footing as of the accused persons who were granted anticipatory bail on January 2, 2024 in CRM (A) 4324 of 2023.

The State and the defacto complainant are represented.

Claim for parity is not disputed by the State or by the defacto complainant.

In such circumstances, we extend the same facility as of the co-accuseds who are enlarged on anticipatory bail by order dated January 2, 2024, to the petitioners herein.

In such circumstances, we confirm the interim order dated October 17, 2023 and grant anticipatory bail to the petitioners.

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 condition that the petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accuseds 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.)