

08.01.2024
Item No.126, 134, 163
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4734 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burrabazar** Police Station Case No. **96** of **2023** dated **09.04.2023** under Sections **302/34** (now charge sheeted under Sections **304/341/323/114**) of the Indian Penal Code, 1860.
And

In the matter of : Vikku @ Bikku Shaw
..... petitioner
with

C.R.M.(A) 4746 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burrabazar** Police Station Case No. **96** of **2023** dated **09.04.2023** under Sections **302/34** (now charge sheeted under Sections **304/341/323/114**) of the Indian Penal Code, 1860.
And

In the matter of : Sonu Keshari @ Kesri
..... petitioner
with

C.R.M.(A) 4792 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burrabazar** Police Station Case No. **96** of **2023** dated **09.04.2023** under Sections **302/34** (now charge sheeted under Sections **304/341/323/114**) of the Indian Penal Code, 1860.
And

In the matter of : Ajay Kumar Shaw
..... petitioner

Mr. Pawan Kr. Gupta,
Mr. Kausik Choudhury,
Ms. Sofia Nesar,
Ms. Soumoyadipa Kundu
....for the petitioners

Mr. Neguive Ahamed, Ld. A.P.P.
Ms. Trina Mitra
....for the State in CRM(A) 4734 of 2023

Ms. Anasuya Sinha,
Ms. Subhasree Patel

....for the State in CRM(A) 4746 of 2023

Ms. Zareen N. Khan,
Md. Kutubuddin

...for the State in CRM(A) 4792 of 2023

Three applications for anticipatory bail are taken up analogously for consideration as they emanate out of same Case Diary.

In all the three matter, there subsist interim order dated October 17, 2023 passed by a coordinate Bench.

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.

The petitioners before us claim parity with other co-accused who was enlarged on anticipatory bail by the order dated October 4, 2023 passed in CRM(A) 4013 of 2023.

Other co-accused were also granted bail by the High Court.

Claim for parity is not being disputed on behalf of the State.

In such circumstances, we extend the same facility to the petitioners before us. The interim order dated October 17, 2023 passed in these three applications are confirmed.

Police filed charge-sheet.

Accordingly, we direct that in the event of arrest the petitioners namely, Vikku @ Bikku Shaw, Sonu Keshari @ Kesri and Ajay Kumar Shaw 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 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) 4734 of 2023, CRM(A) 4746 of 2023 and CRM(A) 4792 of 2023 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)