

09.01.2024
Item No.184ML
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4821 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Englishbazar** Police Station Case No. **1063/23** dated **12.07.2023** under Sections **143/149/448/326/307/354/34** of the Indian Penal Code read with Section **25** of Arms Act and Sections **3/ 4** of E.S. Act.

And

In the matter of : Ajem Ali @ Ajam Ali & anr.

..... petitioners

Mr. A. Jana,
Kazi M. Rahaman
....for the petitioners

Mrs. Anasuya Sinha,
Ms. Subhasree Patel
....for the State

Petition is taken up for consideration subsequent to the order dated October 17, 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.

We perused the materials in the Case Diary.

We find that co-accused standing on the same footing were granted anticipatory bail by an order dated October 3, 2023 passed in C.R.M.(A) 3994 of 2023.

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

In such circumstances, we confirm the interim order dated October 17, 2023 passed by co-ordinate Bench.

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 shall report before the Investigating Officer once in a fortnight 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) 4821 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)