

Court No. 29

31.01.2024

(A 520)

Allowed

(S. Banerjee)

CRM(A) 5239 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **526 of 2022** dated **17.09.2022** under Sections 302/201/120B/34 of the Indian Penal Code, 1860.

And

In the matter of: **Rafijul Sk. W Afijul Sk. & Anr.**

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous

... for the petitioners

Mr. Madhusudan Sur
Mr. Asif Dewan

... for the State

The petitioners submit that other co-accused persons have been granted anticipatory bail in CRM(A) 4142 of 2023 by a coordinate bench of this court.

We have perused the materials on record and the Case Diary.

There are a number of statements recorded under Section 164 Cr.P.C.

The petitioners before us are on the same footing as of the co-accused persons who were enlarged on anticipatory bail by order dated 11.12.2023 passed in CRM(A) 4142 of 2023.

In such circumstances, we extend the same facility to the petitioners.

Police filed charge-sheet.

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), with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Sections 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.

The prayer for anticipatory bail of the petitioner is allowed.

CRM(A) 5239 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)