

13.11.2024
Item no. 33.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 827 of 2024

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Police Station Case No.430 of 2021 Dated 20.08.2021 under Sections 341/323/326/307/120B/34 of the Indian Penal Code read with Sections 25(1A)/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act

And

In the matter of : Anarul Haque & Anr. Petitioners.

Mr. Sudip Guha,
Mr. Sandip Guha Roy for the Petitioners.

Mr. A. S. Chakraborty, Id. APP
Mr. Subhasish Misra for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for anticipatory bail. The prayer of the petitioner no.1 was rejected on January 7, 2022, in CRM (A) 14 of 2022. The prayer of the petitioner no.2 was rejected on June 9, 2023, in CRM (A) 312 of 2023. They say that after that 15 co-accused persons have been granted anticipatory bail by this Court. They stand on the same footing as those 15 persons. The incident was an outcome of political rivalry.

2. Learned State Counsel draws our attention to the material in the case diary. He opposes the prayer for anticipatory bail but, in his usual fairness, admits that these two petitioners are similarly circumstanced as those 15 accused persons, who have been granted anticipatory bail by this Court. We see, therefore, that there has been change of circumstances after the prayers of these two petitioners for anticipatory bail were rejected.
3. On the ground of parity, we allow this application for anticipatory bail.
4. Accordingly, in the event of arrest, the petitioners, namely **Anarul Haque** and **Ainul Haque** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that they shall report to the Officer in charge of the concerned police station once in a fortnight and shall not leave the jurisdiction of the learned Trial Court until further orders.
5. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the

learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

6. The application for anticipatory bail is allowed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)