

27.11.2024
SI No.81
srm/Mujahid
(Allowed)

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

CRM(A) 916 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **12.11.2024** in connection with **Dinhata** Police Station Case No. **544/2022** dated **30.10.2022** under Sections **448/323/354/436/506/34** of the Indian Penal Code.
And

In the matter of : **Harij Miah @ Harich Miah @ Rafikul Islam**
... Petitioner.

Mr. Subhasish Misra,
Mr. Satyajit Paul,
Mr. Abhijit Chanda,
Ms. Keya Sarkar

... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Chattu Roy

... ... for the State.

The petitioner is one of the 7 accused persons. The petitioner prays for pre-arrest bail on the ground that other 6 accused persons are already on bail.

Considering these facts and the materials available in the case diary we are inclined to extend the benefit of pre-arrest bail to the petitioner on the ground of parity as also on the ground that charge-sheet has been submitted and custodial interrogation of the petitioner in this case would not be necessary.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of equal amount each, one of whom must be local, to the satisfaction

of the jurisdictional court and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S. The petitioner shall appear before the jurisdictional court on each day on and from the date fixed for appearance.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973 correspondent to Section 482(2) of B.N.S.S., the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)