

30.01.2025
Item No.55
Ct. No. 26
CHC
Allowed

C.R.M.(A) 316 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 438 of the Criminal Procedure Code in connection with **Shaktipur** Police Station Case No. **167/2024** dated **19.06.2024** under Sections **342/ 447/ 323/ 325/ 307/ 354/379/427/34** of the Indian Penal Code and Section **9B** of the Indian Explosive Act, pending before Learned Chief Judicial Magistrate, Murshidabad at Berhampore.

And

In the matter of : Mithun Khan @ Mithu Khan

..... petitioner

Mr. Robiul Islam, Advocate
Mr. Masooq Rahaman, Advocate
....for the petitioner

Mr. Debashis Ray, Ld. P.P.
Mr. Bidyut Kumar Ray, Ld. Sr. Advocate
Mr. Rahul Ganguli, Advocate
....for the State

1. Petitioner claims parity with co-accused who were granted anticipatory bail by the order dated November 4, 2024 passed in CRM(A) 3700 of 2024.
2. Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. He submits that, there is prior police case involving the petitioner before us. The present incident occurred immediately day after the first police case.
3. Learned advocate appearing for the petitioner submits that, petitioners of CRM(A) 3700 of 2024 were also accused in the earlier police case. He points out the contents of the

order of the coordinate Bench in respect of which, he is claiming parity for the petitioner before us.

4. Coordinate Bench by order dated November 4, 2024 passed in CRM(A) 3700 of 2024 noted that, no one was injured in the incident. Coordinate Bench found that, requirement of custodial interrogation may not be necessary and consequently granted anticipatory bail to the petitioners therein.
5. Petitioner before us stands on the same footing as that of the other petitioners of CRM(A) 3700 of 2024. The other petitioners were also involved in the prior police case. As noted by the coordinate Bench, in the present police case, no person was injured.
6. In such circumstances, on the ground of parity, we grant anticipatory bail to the petitioner.
7. Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the condition as laid down under Section 482(2) of the B.N.S.S. but his movement requires to be restricted in order to ensure that there is no recurrence of in similar incidents and petitioner shall not enter the jurisdictional police station and also petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date.
8. The application for anticipatory bail is, thus, allowed.

9. CRM(A) 316 of 2025 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)