

02.04.2025
Item no. 06.
Court No.1.
S.De
(Allowed)

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

CRM (A) 108 of 2025

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 Mekhliganj Police Station Case No.12 of 2025 Dated 10.01.2025 under Sections 121(1)/132/221/223/224/263/74/115(2)/118(1)/117(2)/109/3(5) of the B.N.S. 2023 read with Section 3 Prevention of Damage to Public Property Act, 1984.

And

**In the matter of : Rabbani Mohammad @ Babul Sarkar.
.....Petitioner.**

Mr. Hillol Saha Poddar,for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Aniruddha Poddar,for the State.

1. Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title of the petition for anticipatory bail.
2. The petitioner claims parity citing an order dated February 17, 2025, passed in CRM (A) 88 of 2025 by a co-ordinate Bench, whereby two co-accused persons were granted anticipatory bail. The petitioner says that he stands on the same footing as those two persons. His custodial detention is unnecessary.
3. Learned State advocate, while opposing the prayer, refers to the statement of an eye-witness recorded under

Section 164 Cr.P.C./Section 183 B.N.S.S. as also the medical report. However, in his usual fairness, he does not dispute that this petitioner is similarly circumstanced as the aforesaid two persons who were granted anticipatory bail on February 17, 2025.

4. Accordingly, on the ground of parity, this application is allowed.
5. Accordingly, in the event of arrest, the petitioner, namely **Rabbani Mohammad @ Babul Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that he shall report to the Investigating Officer once in a fortnight till completion of investigation.
6. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
7. The application for anticipatory bail, being CRM (A) 108 of 2025, stands disposed of.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)