

13.11.2019
SI No.37
KB/GSD

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM 970 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 5th November, 2019 in connection with Tufanganj Police Station Case No. 234 of 2019 dated 24.5.2019 under Sections 341/326/307/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Explosive Substance Act corresponding G.R. Case No. 337 of 2019.

And

In Re: Nabinur Hussain @ Nabinur Haque @ Nudu

... ... Petitioner

Mr. H. S. Podder

... for the petitioner.

Mr. Niloy Chakraborty

Mr. Sanjib Das

... ... for the State.

Learned Counsel for the petitioner submits that the name of the present petitioner did not emerge as the actual assailant in the First Information Report. No one is injured from the alleged bomb blast. The petitioner has been implicated falsely in this case out of political rivalry.

Learned Counsel for the State submits that there is a statement of an independent witness who saw the present petitioner fleeing away from the place of occurrence after keeping his bag.

Considering the nature of allegations and the purported role ascribed to the present petitioner in the commission of the alleged crime, we are inclined to grant anticipatory bail to the petitioner. However, considering the nature of allegations, we think that the movement of the petitioner requires to be restricted.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer twice a week till the submission of the report in final form and on further condition that the petitioner shall not enter into the jurisdiction of Tufanganj Police Station until further orders except for meeting the Investigating Officer or for attending the Court and on further condition that the petitioner shall appear before the Court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 970 of 2019 is, thus, disposed of.

Certified website copies of this order if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)