

06.10.2020
S.D.
sl no. 13.

**C.R.M. 6085 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jalangi P.S case no. 203 of 2020 dated 23.05.2020 under section 448/326/307/34 of the Indian Penal Code read with Sections 3/4 of the Explosive Substance Act, 1908.

P. Allowed

And
In re : Jiarul Haque & Ors.
..... petitioners.

Mr. Arnab Saha
..... for the petitioners.

Mr. Madhusudan Sur
Mr. Aniket Mitra
..... for the State.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated. There has been a long-standing rivalry between the petitioners and the family of the victim.

It is submitted that some of the co-accused persons have already been granted bail by the trial court.

Learned counsel appearing on behalf of the state, however, opposes the prayer for anticipatory bail. It is submitted that statements recorded during the investigation would show that the petitioners are directly involved in the commission of the alleged offence and the persons who have been granted anticipatory bail are not the principal accused.

We have perused the Case Dairy and the materials produced before us.

Having considered the case dairy and the materials available on record as also the materials available against the petitioners, we find that the petitioner nos. 5 and 6 have not

been directly involved in the commission of the alleged offence. This view is however prima facie.

On such consideration, we are inclined to grant anticipatory bail in respect to the petitioner nos. 5 and 6, namely Selim Reja and Kiner Sk @ Hossain @ Pistul.

Accordingly, we direct that in the event of arrest, the petitioner nos. 5 and 6 shall be released on 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 be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they must meet with the Investigation Officer once in a week. In the event, they fail to appear before the Investigating Officer, the anticipatory bail in respect of the petitioner nos. 5 and 6 shall stand automatically cancelled.

The prayer for anticipatory bail in respect of the petitioner nos. 1 to 4 is rejected.

The application being CRM 6085 of 2020 is disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)