

25.09.2020
Sl. No.40
akd
[ALLOWED]

C. R. M. 7200 of 2020 [via video conferencing]
(CRAN 1 of 2020)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.09.2020 in connection with Samsherganj Police Station Case No. 169 of 2020 dated 23.08.2020 under Sections 325/326/307/302/34 of the Indian Penal Code read with Sections 3/4/5 of the E.S. Act.

And

In Re: **Gamu Sk. @ Jamu Sk. & Ors.**

... .. Petitioners

Ms. Shabana Hasin .. Advocate

... .. for the petitioners

Mr. Madhusudan Sur .. Ld. Addl. Public Prosecutor

Mr. Dipankar Pramanick .. Advocate

... .. for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The application being CRAN 1 of 2020 is accordingly, disposed of.

It is submitted on behalf of the petitioners that the ingredients of the offence punishable under Section 302 IPC are not disclosed. It is further submitted that the petitioners had no intention to murder the victim.

Learned Additional Public Prosecutor opposes the prayer for anticipatory bail and submits that the petitioners and other accused persons were illegally manufacturing bombs, one of the bombs burst resulting in the death of the victim.

Having considered the materials on record and keeping in mind the nature of allegations and the extent of the complicity of the petitioners in the alleged crime in the light of the submission that the

petitioners had no intention to murder the victim, we are of the opinion it is a matter to be adjudicated at the appropriate stage of the proceeding whether ingredients of the offence punishable under Sections 307/302 IPC are disclosed in this case or not. Keeping in mind the aforesaid fact and other facts and circumstances of the case, we are inclined in granting pre-arrest bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Gamu Sk. @ Jamu Sk., (2) Rajesh Sk. & (3) Naim Sk.,** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 the petitioners shall meet the Investigating Officer once in a week until further orders.

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

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)