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06-10-2020

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Court 11

C.R.M. 7431 of 2020

With

CRAN 1 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Amta Police Station Case No. 93 of 2019 dated 18.03.2019 under sections 120B of the Penal Code and Sections 3/4 of the Explosive Substances Act and Sections 25/27 of the Arms Act & S. 9(b) of Indian Explosive Act.

Allowed

Asfar Middya & Anr.

Versus

State of West Bengal

Mr. Satadru Lahiri, Adv.

Mr. S. Azam, Adv.

...for the petitioners.

Mr. Rana Mukherjee, Adv.

Ms. Sujata Das, Adv.

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

CRAN 1 of 2020 is accordingly, disposed of.

It is submitted by the learned Counsel appearing for the petitioners that the house from which explosive substances have been allegedly recovered does not belong to them and they have no nexus with the alleged offence. He also relied upon the order passed by the co-ordinate Bench on 19th November, 2019 in CRM 10672 of 2019 and submitted that the persons similarly placed have been granted anticipatory bail by the co-ordinate Bench.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits that huge quantity of explosive substance has been recovered and investigation is in progress.

Having considered the materials on record and in the light of the

submission that the explosive substance has already been recovered, we are of the opinion that custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that they shall meet the investigating officer once in a week until further orders and shall appear before the court below and pray for regular bail by 30th November, 2020.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)