

05-11-2020
Subrata/Subha
Item no.27
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.8781 of 2020

Sukur Sk. & Ors.

-vs-

The State of West Bengal

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Kandi P.S. Case No.328 of 2020 dated August 11, 2020 under sections 427/143/447/286/307/448/506 IPC & 3/4 ES Act.

Mr. Manas Kumar Das

...for the petitioner

Mr. Imran Ali

Ms. Sima Biswas

... for the State

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within a week of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

Learned advocate for the petitioners submits that the petitioners are similarly placed with the accused who have been granted anticipatory bail on October 13, 2020 in CRM No.7538 of 2020 by a co-ordinate Bench of this court. Learned advocate for the petitioners further adds that two rival groups were fighting and that there has been no allegation of any person being injured.

Mr Ali, learned advocate appearing for the State, producing the case diary submits although there are some allegations against petitioner no.1, but that petitioner no.1 along with others are on the same footing with the accused who have been granted bail by a co-ordinate Bench of this court. Mr Ali also agrees that there is no injury report and that the seizure list reflected only the remnants of the explosives.

We have taken into account the order dated October 13, 2020 in CRM No.7538 of 2020 passed by this court as well as appreciated the fact that there is no injury sustained by any person.

Having regard to the same, we are of the opinion that the petitioners are entitled to get the privilege of anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners, namely, i) Sukur Sk., ii) Sahajahan Sk. @ Sajan Sk., iii) Murshed Sk. @ Mursad Sekh, and iv) Din Mohammad Sk. 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, one of whom must be local, to the satisfaction of the arresting officer and on condition that they shall not tamper with the evidence and/or intimidate the witnesses. The petitioners shall appear before the learned trial court on the date fixed. They are also directed to meet with the investigating officer of this case once a week until further orders on and from November 10, 2020.

The aforesaid order would be subject to the provisions as laid down under Section 438(2) CrPC.

With the aforesaid observations, CRM 8781 of 2020 is disposed of.

Parties are to act on a website copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

[Ashis Kumar Chakraborty, J]

