

11.12.2020
Sl. No.58
akd
[ALLOWED]

C. R. M. 10156 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.12.2020 in connection with Bhangore Police Station Case No.160 of 2020 dated 31.05.2020 under Sections 326/307/114/120B of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.2876 of 2020)

And

In Re: **Rafik Molya @ Molla**

... .. Petitioner

Mr. Uday Sankar Chattopadhyay .. Advocate
Mr. Santanu Maji .. Advocate
Mr. Subhayu Das .. Advocate
... .. for the petitioner

Ms. Zareen N. Khan .. Advocate
Mr. Mirza Firoj Ahmed Begg .. Advocate
... .. for the State

The petitioner claims that there was a clash between the two groups of the same political party and the petitioner is being pursued despite there being no material against the petitioner.

The State says that bombs were hurled and several persons received serious injuries. The State refers to the witness statements. A shopkeeper claimed that six persons were initially involved, including this petitioner. However, it appears that ten persons have already been arrested against 28 being pursued by the State. It is also evident that the investigation is complete and the charge-sheet has been filed.

Since the investigation has already been completed, the immediate detention of the petitioner may not be necessary. In the event the petitioner is convicted, he will have to suffer his fate.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Rafik Molya @ Molla**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the

satisfaction of the arresting officer. The petitioner will abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. For a period of three months from date the petitioner should not enter the jurisdiction of Bhangore Police Station. However, the petitioner will indicate the address where he intends to stay before he obtains bail.

CRM 10156 of 2020 disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)