

94 24.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 10642 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** P.S. Case No. **09 of 2019** dated **05/01/2019** under Sections **4/5/6** of the E.S. Act.

And

In the matter of: Sadekul Khan @ Bhuttu & Ors.

....petitioners.

Mr. A. Rakib

...for the petitioners.

Md. Kutubuddin

Ms. S. Bhattacharya

...for the State.

It is submitted on behalf of the petitioners that no explosive was recovered from the possession of the petitioners. They have been falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Having considered the materials in the case diary and bearing in mind the nature of allegations and in view of the fact that no explosive was recovered from their possession and thier complicity has transpired from the statement of co-accused person before a police officer which is inadmissible in evidence, we are of the opinion in the aforesaid factual matrix though custodial interrogation of the petitioners may not be necessary, their movements require to be restricted in order to maintain peace and tranquility in the locality and commission of similar offences in future.

In the event of arrest, the petitioners shall be released on

bail upon furnishing a Bond of Rs. 10,000/- 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 they shall not enter the jurisdiction of Suti P.S. while on bail until further orders except for attending the court proceeding and/or investigation and they shall provide the address where they shall reside while on bail to the investigating officer as well as the court below and shall meet the Officer-in-charge of concerned Police Station within whose jurisdiction they shall reside once in a week until further orders.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)