

31.12.2020
Item no. 16
Ct.8
KAUSHIK/CHC
Allowed

C.R.M. No.11299 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chapra Police Station Case No.232 of 2020 dated 03.07.2020 under Sections 341/325/326/307/34 of the Indian Penal Code and Sections 3/ 4 of the Explosive Substances Act.

And

In the matter of:-

Anai Sk @ Alauddin Piyada & ors.

... Petitioners

Mr. Prabir Majumder

.. for the petitioners

Mr. Anwar Hossain,
Mr. Palash Chandra Majhi

..for the State

The petitioners claim that they are day labourers and cultivators. It is submitted that a co-ordinate Bench of this Court has already granted anticipatory bail to some of the co-accused in connection with the same offence.

Learned counsel appearing for the State places reliance on the statement under Section 161 Cr.P.C., recorded in connection with the investigation, which indicates that the petitioner nos. 7 and 12 were directly involved in the offence. As such, learned counsel objects to the grant of anticipatory bail to the said petitioners in particular.

It appears from the materials on record that there is justification behind the contention of the State as regards the petitioner nos.7 and 12 being allegedly involved directly in the perpetration of the offences.

In such view of the matter, C.R.M.11299 of 2020 is disposed of by granting anticipatory bail to the petitioner nos.1-6, 8-11 and 13-15 on the following conditions:-

- i) The petitioners shall make themselves available for interrogation by any police officer in connection with the offences in question;
- ii) The petitioners shall not make any inducement, promise or threat to any person being acquainted with the facts relating to the alleged offences in order to prevent such person from disclosing such facts before the concerned police officer and/or the Court;
- iii) The petitioners shall not leave the jurisdiction of the concerned Police Station i.e. Chapra Police Station without leave of a competent Court.

That apart, in the event of arrest of the petitioners, barring the petitioner nos.7 and 12, they shall be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Five Thousand only) each, with one surety of like amount, to the satisfaction of the arresting officer. In addition, the petitioner nos.1 to 6, 8 to 11 and 13 to 15 shall attend trial upon commencement of the same on

every day. In the event of default on the part of the said petitioners will entitle the trial court to direct arrest of the said petitioners without further reference to this court.

It is reiterated that the prayer for anticipatory bail of petitioner nos.7 and 12 is refused.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Saugata Bhattacharyya, J.)

