

09.06.2021
tkm/ct 28
sl no. 52

C.R.M. 2690 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chapra P.S case no. 311 of 2020 dated 3.9.2020 under sections 25/27 of the Arms Act and sections 3/4 of the Explosive Substances Act
And

Allowed

In Re : Sultan Gajibur Rahaman Sekh @ Gaji @ Rahaman Sk @
Hebul & Ors. petitioners

Mr. S Majumder

..... for the petitioners

Mr. M Sur

Mr. D Paramanick

..... for the State

The application for anticipatory bail under section 438 Cr.P.C has been filed apprehending arrest in connection with Chapra P.S Case no. 311 of 2020 dated 3.9.2020 under sections 25/27 of the Arms Act and sections 3/4 of the Explosive Substances Act.

It is submitted on behalf of the petitioners that 15 out of 16 persons have been enlarged on anticipatory bail by a co-ordinate bench of this court.

Petitioners appear to have been similarly situated as those 15 persons who have been granted anticipatory bail by a co-ordinate bench of this court.

Counsel for the State does not opposes the same.

Under such circumstances, we are inclined to extend the same privilege to the petitioners also.

Accordingly, we direct that 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, one of whom must be local, 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 the petitioners while on bail shall not enter the jurisdiction of Chapra P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction they shall reside while on bail once in a week until further orders and shall provide the address where they shall presently reside to the investigating officer as well as court below while on bail. The petitioners shall surrender their passport to the Investigating Officer and if they do not possess a passport shall submit an affidavit to that effect before the Investigating Officer.

In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application being CRM 2690 of 2021 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)