

23.09.2021

CRM 3044 of 2021

court no. : 28
Item no. : PB-194
matter : 438
status : ALLOWED
transcriber : nandy

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 26.03.2021 in connection with Khanakul Police Station Case No. 194 of 2020 dated 18.08.2020 under Sections 147/148/149/323/354/379/436 of the Indian Penal Code read with Sections 3 & 4 of the Explosive Substances Act.

and

In the matter of: **Samudra Dolui & Ors.**

.....Petitioners

Mr. Niladri Sekhar Ghosh, Advocate

Mr. Mujibar Ali Naskar, Advocate

.....for the Petitioners

Mr. P.K. Dutta, Advocate

Mr. Subrata Roy, Advocate

.....for the State

Apprehending arrest in connection with Khanakul Police Station Case No. 194 of 2020 dated 18.08.2020 under Sections 147/148/149/323/354/379/436 of the Indian Penal Code read with Sections 3 & 4 of the Explosive Substances Act, the petitioners have filed the instant application for anticipatory bail.

Mr. Ghosh, learned Advocate, appearing for the petitioners submits that the allegations leveled against the petitioners are unfounded. The principal accused is one Ajay Pramanik, who along with others have been granted anticipatory bail in an application being CRM 9136 of 2020 on November 25, 2020.

Mr. Dutta, learned Advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws our attention to several documents in the case diary.

Upon perusal of the materials in the case diary, we find that the nature of allegations as levelled against the present

petitioners is similar to that of Ajay Pramanick, who has already been granted anticipatory bail. In view thereof, we are of the opinion that custodial interrogation of the petitioners is not necessary in the facts and circumstances of the case.

Thus, the prayer of anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioners 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 subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses and shall meet with the Investigating Officer as and when called for.

In case the petitioners fail to comply with the aforesaid directions, the Investigating Officer shall be at liberty to approach the learned Magistrate for cancellation of the anticipatory bail.

The application for anticipatory bail being **CRM 3044 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

