

01.10.2021
Item no.34
Court No.32.
S.De
(allowed in
respect of
petitioner
nos. 1&3)

(Via Video Conference)

CRM No. 3349 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 12.04.2021 in connection with Jalangi Police Station Case No. 415 of 2020 dated 01.12.2020 under Sections 448/354/506/307/427/34 of the Indian Penal Code and Sections 3 /4 of Explosive Substance Act.

And

**In the matter of : Washkarani Mondal @ Wash Ali &
Others.**

.....Petitioners.

Mr. Jisan Iqbal Hossain, Advocate,
.....for the Petitioners.

Mr. Ranabir Roy Chowdhury, Advocate,
Mr. Sandip Chakrabarty, Advocate,
Mr. Iqbal Kabir, Advocate,
.....for the State.

Learned advocate for the petitioners does not press this application for anticipatory bail on behalf of the petitioner no.2. This application stands dismissed as far as the petitioner no.2 namely Shiba Mohammad Mondal @ Sish Mohammad Mondal is concerned.

In so far as the petitioner nos. 1 and 3 are concerned, it is submitted that they had no active role to play in the incident. Charge-sheet has been submitted. No Section of the Explosive Substance Act has been invoked. The charge-sheet has been submitted under Sections 448/354/307/427/286/506/34 of the Indian Penal Code. Nothing has been seized from the houses of the petitioners. Seizure is only from the house of the principal accused, namely one Farhad.

We have seen the material in the case diary. Prima facie, there does not appear to be direct implication of the petitioners in the alleged offence. Nobody has suffered any injury.

On an overall assessment of the facts and circumstances of the case and the material on record and the possible extent of complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary.

Accordingly, in the event of arrest, the petitioners namely **Washkarani Mondal @ Wash Ali** and **Jabbar Mondal @ Jabbar Sk.** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned

Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3349 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)