

07.10.2021
Serial no. 31
Dd

(Through Video Conference)

CRM 3743 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Labpur** Police Station Case No. **75** of **2021** dated **07.05.2021** under Sections **143/341/326/307** of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act (Corresponding to G.R. No. 507 of 2021)

-And-

In the matter of : **Gadai Bagdi & Ors.**
... **Petitioners**

Mr. Sanjib Kumar Dan,
Ms. Saryati Datta, Advocate
... .. For the Petitioners

Mr. Neguive Ahmed,
Ms. Amita Gaur, Advocates
... ...For the State

Application is taken up for consideration subsequent to October 4, 2021.

There exists an interim protection in favour of the petitioners passed on May 27, 2021. On May 27, 2021, since the case diary was not there, interim protection was granted. Today, learned advocate for the State produces the case diary and draws the attention of the Court to the injury report and the statements recorded under Section 161 of the Code of Criminal Procedure.

Considering the materials in the case diary and considering the injury report, we are unable to grant anticipatory bail to the petitioner nos. 1, 2, 3, 6, 7 and 8. However, considering the role of the petitioner nos. 4 and 5, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioner nos. 4 and 5 shall be released on anticipatory bail

upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 4 and 5 Ujjwal Bagdi and Tapas Bagdi respectively shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that petitioner nos. 4 and 5 shall meet the Investigating Officer once in a month.

Prayer for anticipatory bail of petitioner nos. 4 and 5 is **allowed** and prayer for anticipatory bail petitioner nos. 1, 2, 3, 6, 7 and 8 is **rejected**.

CRM 3743 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)