

CRM 6247 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Haroa Police Station** Case No. **300 of 2020** dated **22.08.2020** under Sections **195A/307/427/34** of the Indian Penal Code and under Sections 3 and 4 of the Explosive Substances Act.

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In the matter of : Uchman Gazi @ Uchman Molla & Ors.

.... Petitioners.

Mr. S. Chatterjee,
Mr. S. Lahiri,
Mr. S. Azam,

... For the Petitioners.

Mr. N. Ahmed, Ld APP,
Mr. A. Gour,
Mr. N. P. Agarwala

... For the State.

Mr. R. S. Chattopadhyay,
Mr. S. Chattopadhyay,
Mr. S. Maji,
Mr. P. Shome,
Mr. S. Das,
Mr. S. Datta,

... for the defacto complainant.

The petitioners had approached this Court praying for anticipatory bail by filing CRM 8332 of 2020. The said application was allowed by an order dated March 4, 2021, the operative portion whereof reads as follows:-

*Accordingly, we direct that in the event of arrest the petitioners, namely, **Uchman Gazi @ Uchman Molla, Md. Safikul Saikh @ Md. Safikul Sekh, Kader Molla, Ganesh Mondal, Md. Jalil Molla and Oliur Rahaman Molla @ Oli** shall be released on anticipatory 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 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

This order of anticipatory bail will remain in force for a period of four weeks within which the petitioners would surrender before the learned Court and pray for regular bail.

The petitioners shall meet with the Officer-in-Charge, Haroa Police Station twice a week on and from 08.03.2021.”

The petitioners subsequently filed CRAN 1 of 2021 in the disposed of CRM No. 8332 of 2020 praying for extension of time for furnishing bond in terms of the order dated March 4, 2021. The State opposed the prayer on the ground that no lis was pending on which the order of extension could be granted. The said CRAN No. 1 of 2021 was disposed of by an order dated September 17, 2021, the operative portion whereof reads as follows:-

“It is not in dispute that the petitioners attended the Police Station till 14th September, 2021 and they have not been arrested so far. The petitioners have cited non-availability of the local surety as one of the causes for not furnishing the bail bond. However, having regard to the fact that there is no lis pending on the basis of the report, we could extend the order for anticipatory bail and it is open for the petitioners to approach this court during the aforesaid period of time. We are not inclined to allow this application. However, since the earlier Bench had found a prima facie view that the petitioners are entitled to anticipatory bail, the petitioners shall not be arrested for a period of one week from date.

In the interregnum period, the petitioners shall continue to meet the Officer-in-Charge of the concerned Police Station once in a week.”

Pursuant to the liberty granted by the aforesaid order, the present application has been filed.

The state does not dispute that the petitioners have been reporting to the Investigating Officer in terms of the order dated March 24, 2021.

The petitioners say that in spite of best of efforts, they have not been able to find local surety. Hence, they may be permitted to furnish registered surety.

We do not find anything unreasonable in such prayer.

Having regard to the orders dated March 4, 2021 and September 21, 2021 and on an overall assessment of the material in the case diary, we are of the view that the prayer of the petitioners for anticipatory bail may be allowed.

Accordingly, in the event of arrest, the petitioners, namely, **Uchman Gazi @ Uchman Molla, Md. Safikul Saikh @ Md. Safikul Sekh, Kader Molla, Ganesh Mondal, Md. Jalil Molla and Oliur Rahaman Molla @ Oli** shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall meet the Investigating Officer once every week and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal

Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 6247 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)