

16.12.2021
tkm/ct 28
sl no. 90

C.R.M. 6502 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Burwan P.S case no. 113 of 2021 dated 20.4.2021 under sections 286/326 of the IPC and sections 3/4 of the Explosive Substances Act adding section 304 of the IPC
And

Allowed

In Re : Bokai @ Boktar Khan @ Sk & Anr. petitioners

Mr. J I Hossain

..... for the petitioners

Mr. S Bapuli

Mr. Soumik Ganguli

..... for the State

It is submitted on behalf of the petitioners that ingredients of the offence punishable under section 304 IPC are not disclosed in the facts of the case.

Learned lawyer for the State opposes the payer for anticipatory bail and submits that the petitioners and other accused persons were preparing a bomb. One of them died due to bomb-blast.

We have considered the materials on record. It appears that the victim died due to an accidental bomb-blast. Whether ingredients of offence punishable under section 304 IPC are disclosed in the facts of the case require to be assessed in the light of the attending facts and circumstances during trial. In view of the aforesaid factual backdrop, we are inclined to grant anticipatory bail to the petitioners.

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, 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.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 6502 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)