

CRM No.6649 of 2021

Via video conference

14.12.21

(S.R.)

Sl.242

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Harishchandrapur** Police Station Case No.571 of 2021 dated 03/08/2021 under Sections 447/427/34 of the Indian Penal Code read with Sections 3/4 Explosive Substances Act;

And

In re: Mojibur Rahaman & Ors.

... petitioners.

Ms. Sujata Das

... for the petitioners.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

Ms. Das, learned advocate appearing for the petitioners submits that there exists a political dispute amongst the parties and the petitioners have been falsely implicated. The allegations are *omnibus* in nature and as such, custodial interrogation is not warranted.

Ms. Ghosh, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the seizure list.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the seizure list and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Mojibur Rahaman, 2. Sekendar Ali, 3. Habibur Rahaman, 4. Jiabul Home, 5. Naimul Haque, 6. Ujir Hossain, 7. Unsahak, 8. Md. Dulal, 9. Seraful Haque and 10. Nousad Ali** will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction that the petitioners shall meet with the investigating officer once in a week on and from 24th December, 2021 till the investigation is over .

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.6649 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)