

SL. 41
10.11. 2021.
rc
(Allowed)

CRM 6927 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on October 08, 2021 in connection with Kaliachak Police Station Case No. 226 of 2020 dated March 12, 2020 under Sections 341/325/326/307/34 of the Indian Penal Code read with Sections 3/ 4 of the Explosive Substance Act corresponding to G.R.Case No.1285 of 2020.

In the matter of : Esab Mia @ Esab Ali

... petitioner

Mrs. Minoti Ghoms
Mr. Kaushik Biswas

..... for the petitioner.

Mr. Rana Mukherjee
Mr. Pravas Bhattacharjee
Mrs. Debjani Sahu

..... for the State.

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Leave is granted to Advocate-on-Record to the petitioner to correct the preamble of the instant application here and now.

Apprehending arrest in connection with Kaliachak Police Station Case No. 226 of 2020 dated March 12, 2020 under Sections 341/325/326/307/34 of the Indian Penal Code read with Sections 3/ 4 of the Explosive Substance Act corresponding to G.R.Case No.1285 of 2020, the petitioner has

filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case. There are cases and counter cases between the petitioner and the de-facto complainant. In such conspectus learned counsel for the petitioner submits that the petitioner may be granted anticipatory bail.

Learned counsel appearing on behalf of the State vehemently opposes the prayer for anticipatory bail. He submits that the materials of the Case Diary especially seizure list indicate that the petitioner is involved in the commission of the offence.

Having heard the learned counsels appearing for the parties and on consideration of the materials in the Case Diary especially the medical papers and the seizure list we feel that there is no need of custodial interrogation of the petitioner. We are inclined to grant anticipatory bail in favour of the petitioner.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, on condition as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner should meet Investigating Officer once in a fortnight. Default

of any solitary occasion without any justifiable cause shall disentitle the petitioner to the privilege of Section 438 of the Code of Criminal Procedure granted by this Court.

The application for anticipatory bail being **CRM 6927 of 2021** is thus **allowed**.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)