

15.11.2021

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Allowed

**C.R.M. 7098 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jangipara Police Station Case No. 106 of 2021 dated 22.05.2021 under Sections 147/148/149/186/332/ 333/ 307/353/427 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act with Section 9 of the Maintenance of Public Order Act with Section 4 of the Provision of Damage to the Public Property Act.

And

In Re : Faridul Ahmed @ Foridul Ahmed petitioner

Mr. Ashok Das
Ms. Ayana Dey

.....for the petitioner

Ms. Sayanti Santra

....for the State

Learned advocate appearing for the petitioner submits that no overt act is attributed to him in the alleged incident.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner was a member of an unlawful assembly, one of whom had thrown bomb and assaulted police personnel.

We have considered the materials on record. There was a free fight between two groups resulting in injuries. Whether the petitioner shared common object/common intention to commit the crime is to be seen in the light of the aforesaid circumstances. No overt act is attributed to him and injuries

are simple in nature. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that 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, 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 and on further conditions that the petitioner shall meet the investigating officer once in a week until further orders and shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)