

26.03.2021
Court No.28
rpan /33

C.R.M. 10883 of 2020
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Keyay Middya @ Riajul Middya & 5 others**
- Petitioners.

Mr. Sujan Chatterjee,
Mr. Sanat Kumar Das,
Mr. Satadru Lahiri
... for the petitioners.
Mr. Saibal Bapuli,
Mr. Bibaswan Bhattacharya
... for the State.

Apprehending arrest in connection with Jangipara P.S. Case
No.74 of 2020 dated 19.05.2020 under Sections 147/ 148/ 149/
186/ 332/ 333/ 353/ 307/ 427 of the Indian Penal Code and
Sections 3/4 of the Explosive Substances Act, the petitioners have
filed the present application.

Mr. Lahiri, learned advocate appearing for the petitioners
submits that the petitioners have been falsely implicated. The
allegations levelled against the petitioners are unfounded and in
the said conspectus, custodial detention of the petitioners is not
necesssary.

Mr. Bapuli, learned advocate appearing for the State opposes
the petitioners' prayer. However, he submits that the petitioners'
names have transpired on the basis of statement made by co-

accused persons and the injuries referred to are swelling and tenderness.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial detention of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioners, namely, 1. **Keyay Middya @ Riajul Middya**, 2. **Hafijul Rehaman Middya @ Happy**, 3. **Sk. Moinuddin @ Budo**, 4. **Sk. Afsar Ali @ Sk. Afsar**, 5. **Sk. Sukur** and 6. **Sk. Jalil Ahammad** shall be released on bail upon furnishing a bond of ₹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.

The application for anticipatory bail, being CRM No.10883 of 2020, is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)