

11.03.2021

Court No.28

Cr.Pan /40

(Via Video Conference)

C.R.M. 10915 of 2020

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

And

In Re : **Dablu Sk. @ Nazrul Sekh & Others**

....Petitioners.

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha,
Mr. Somesh Kumar Ghosh
....for the Petitioners.

Mr. Anwar Hossain,
Ms. Ratna Ghosh
... for the State.

Apprehending arrest in connection with Galsi P. S. Case No.318 of 2020 dated 07.07.2020 under Sections 143/326/307/354/379/506/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act, the petitioners have filed the present application.

Mr. Ghosh, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to none of the petitioners herein. Two accused persons have already been enlarged on bail. In the said conspectus, custodial interrogation of the petitioners.

Mr. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury reports and the statements of the witnesses, as recorded under Section 161 of the Code of Criminal Procedure.

Upon perusal of the materials in the case diary, we find overt act has been attributed to the petitioner nos.1, 5, 7, 10 and 13. As such, we are not inclined to exercise any discretion in favour of the petitioner nos.1, 5, 7, 10 and 13, namely, **Dablu Sk. @ Nazrul Sekh, Rajesh Sk. @ Habibur Sekh, Laltu Sk., Hanif Mallick** and **Raja Mallick @ Hanif Mallick** respectively and their prayer for anticipatory bail is **refused**.

However, considering the nature of allegations and the extent of complicity, we are of the opinion that custodial interrogation of the petitioner nos.2-4, 8-9, 11-12, 14-19 is not warranted. As such, the prayer for anticipatory bail of the petitioner nos.2-4, 8-9, 11-12, 14-19 is **allowed**.

Accordingly, in the event of arrest the petitioner nos.2-4, 8-9, 11-12, 14-19, viz. **Lal Sk. @ Sk. Dalim, Babune Sk. @ Sk. Selim, Lal Mallick @ Ajijul Mallik, Bhangla Sk. @ Naosar Sekh, Makim Mallick, Mohan Mallick @ Ajim Mallick, Golam Ali Hazar @ Golam Hazari, Hakim Mallick, Hira Mallick @ Aajafaraali Mallik, Sarif Mondal, Saheb Mondal, Hem Mondal, Hasib Mondal and Jalal Mondal** respectively, shall 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 and a further condition that the petitioner no.2 shall meet with the Officer-in-charge of the Galsi

Police Station once in a week on and from 20th March, 2021 until further orders.

The application for anticipatory bail, being CRM 10915 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.)