

C.R.M. 11174 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nanoor Police Station Case No. 92/2017 dated 28.05.2017 under section 4/5/6 of the Explosive Substance Act.

In re : Surman Sk @ Surman Sekh ... Petitioner.

Mr. Sujoy Sarkar ... for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De ... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Surman Sk @ Surman Sekh is taken up for hearing and order.

It is submitted on behalf of the petitioner that the petitioner is not named in the FIR and suffers 70% disablement. Charge sheet has been submitted. .

The State refers to the case diary and opposes the prayer for anticipatory bail. It appears from the case diary that seizure was made from the place of occurrence and none was arrested from the spot.

The petitioner is not named in the FIR and investigation has culminated in charge sheet. State also submits that none were named in the FIR.

Since investigation has culminated in submission of charge sheet, detention of the petitioner is not required. Hence, we are inclined to hold that the petitioner should get an order of anticipatory

bail.

Accordingly, we direct that in event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)