

05.08.2021

Court No.28
Item No. JB-07
nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 679 of 2021

In Re:- An application for **Anticipatory Bail** under Section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No. 101 of 2021 dated 05.03.2021 under Sections 3/4/5 of the Explosive Substance Act. (G.R. Case No. 108 of 2021);

and

In the matter of: Firdous @ Firdul Islam @ Firdous @ Firdous Islam

.....Petitioner

Mr. Sudhindra Das, Advocate

Mr. Arnab Sengupta, Advocate

.....for the Petitioner

Mr. Aditi Sankar Charkaborty, Learned A.P.P.

Mr. Tapan Bhattacharya, Advocate

.....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.

Apprehending arrest in connection with Dinhata Police Station Case No. 101 of 2021 dated 05.03.2021 under Sections 3/4/5 of the Explosive Substance Act, the petitioner has filed the instant application for anticipatory bail.

The FIR was lodged after having reported that an explosion took place at Shiver Dham and immediately upon reaching the spot of occurrence, a motorcycle was found in charred condition and there was some bloodstain on the road. The driver of the motorcycle was not found at the spot nor there was any loss of life due to such explosion. Subsequently, it was found that the said

motorcycle is registered in the name of the father of the petitioner. The petitioner prays for anticipatory bail showing his non-complicity to the alleged offence and taking shelter that since the motorcycle was registered in the name of his father, he cannot be held liable for that.

The State opposes the prayer for bail and says that the materials gathered during the initial investigation disclosed the complicity of the petitioner to the alleged offence and his custodial interrogation is very much necessary.

After hearing the submission of the respective parties and on perusal of the materials available on record showing prima facie complicity of the petitioner to the alleged offence, we do not think that the petitioner is entitled to have the privilege of anticipatory bail.

As such, the prayer for anticipatory bail is **rejected**.

The application for anticipatory bail being **CRM 679 of 2021** is thus **dismissed**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)