

CRM (A) 430 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Khalil Rahaman Mallick @ Khalilur
Rahaman Mullick @ Mallik & Ors.**
..... petitioners

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi

.....For the petitioners

Mr. Rudradipta Nandy

.....For the State

Apprehending arrest in connection with Amta Police Station Case No. 06 of 2021 dated 07.01.2021 under Sections 147/148/149/323/326/307/379 of the Indian Penal Code and Sections 25/27 of the Arms Act read with Sections 3/4 of the Explosive Substances Act, the present application has been preferred.

Heard the learned advocates appearing for the respective parties.

Upon assessing the materials on record it, *prima facie*, appears that the role assigned to the petitioners herein, is similar to the co-accused persons who have already been granted anticipatory bail by a co-ordinate Bench of this Court. On the ground of parity and considering the nature of accusations, the nature of injury and the possible extent of complicity of the petitioners in the alleged offence, we are

of the opinion that their custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Khalil Rahaman Mallick @ Khalilur Rahaman Mullick @ Mallik, Sk Babu Manik @ Meharaj Ali Sekh @ Sk. Meheraj Ali** and **Sk Najimuddin @ Bhola @ Sekh Najimuddin** 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 with further direction that the petitioners shall meet with the investigating officer once a week till investigation is complete.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 430 of 2022, is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)