

CRM(A) No.532 of 2022

Via video conference

03.03.22

(S.R.)

Sl.46

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Khanakul** Police Station Case No.145 of 2021 dated 15/04/2021 under Section 286 of the Indian Penal Code and Sections 3/4 of Explosive Substance Act;

And

In re: Sk. Nurul Hasan @ Sk. Nurul Hassan @ Sk. Sajal

... petitioner.

Mr. Niladri Sekhar Ghosh

... for the petitioner.

Mr. Prasum Kr. Datta

Mr. Nirupam Dhali

...for the State.

We have heard rival submissions and perused the case diary.

It appears that sections 3 and 4 of the Explosive Substances Act are only non-bailable Sections.

It further appears that the present petitioner sustained injury while he was carrying explosive substances. Although, investigation is pending, we are of the considered opinion that custodial detention for interrogation may not be necessary in this case.

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- 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 a further condition that the petitioner shall not leave the jurisdiction of Khanakul Police Station till investigation is complete without prior permission of the Investigating Officer and shall attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.532 of 2022 is, accordingly, 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.)