

28.02.2022

Serial no. 05

Dd

CRM (A) 937 of 2022

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Arambagh** Police Station Case No. **310** of **2020** dated **14.08.2020** under Sections **341 / 323/ 326/ 307/ 448/ 427/379/504/506/34** of the Indian Penal read with Sections **3/4** of the Explosive Substances Act.

-And-

In the matter of : **Samrat Sahanur Khan @ Samrat Khan & Ors.**
... Petitioners

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee, Advocate
... .. For the Petitioners

Mr. Prasun Kumar Dutta, APP
Mr. Subrato Roy, Advocates
... ...For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. There is a previous police case being Arambagh Police Station Case no. 295 of 2020 dated August 7, 2020 in respect of an incident of August 6, 2020. He submits that police case being no. 295 of 2020 relates to a murder. Two of the accuseds in such murder case caused the de facto complainant to lodge the present police case in respect of the same incident on August 6, 2020, falsely implicating the petitioners therein. He submits that the police filed charge sheet in the present case. Therefore, custodial interrogation of the petitioners is not required.

Learned advocate appearing for the State submits that petitioners are with notorious antecedents. He refers to the contents in the case diary including the injury report.

There was an incident of August 6, 2020 in respect of which the police lodged a compliant bearing no. 295 of 2020 dated August 7, 2020. The present police complaint is in relation to the same incident of August 6, 2020 and significantly lodged on August 14, 2020. The possibility of the petitioners herein being falsely implicated as a counter-blast with the earlier police case cannot be wholly ruled out. Moreover, police filed charge sheet.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioners shall appear before the jurisdictional Court on every date fixed for hearing.

Prayer for anticipatory bail of the petitioners is **allowed.**

CRM (A) 937 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)