

09.06.2022
cm/ct 28
sl no. 80

C.R.M. (A) No. 2291 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Chanchal P.S Case No. 446 of 2020** dated **05.06.2020** under Section **147/148/149/302/34** of the Indian Penal Code read with Sections 3 / 4 of Explosive Substances Act.
And

Partly Allowed

In Re : Masrekul Haque & Ors

..... petitioners

Ms. Sujata Das

... for the Petitioners.

Mr. Soumik Ganguli

..... for the State

Case diary of Chanchal P.S. case No. 445 of 2020 has been produced.

Learned lawyer for the State submits that the present case is a sequence to the earlier case lodged by the petitioners against the family members of the de-facto complainant.

We have considered the materials on record. Statements of witnesses show that petitioner No.1 had called the victim who was subsequently murdered and keeping in mind the extent of complicity of the petitioner No.1 in the alleged crime, we are not inclined to grant pre arrest bail to him.

However, we note the extent of complicity of the petitioner Nos. 2 and 3 is founded of suspicion and there is no possibility of false implication of the said petitioners due to prior animosity cannot be wholly ruled out, we are inclined to grant pre arrest bail to petitioner Nos.2 and 3.

Accordingly, we direct that in the event of arrest, the petitioner Nos. 2 and 3 namely **(2) Gias Ali (3) Abdul Basir** shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, 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.

Petitioner Nos. 2 and 3 shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) No. 2291 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)