

29.06.2022

28

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 2980 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Goaltore** Police Station Case No. **61** of **2022** dated **11.03.2022** under Sections 447/307/34 of the Indian Penal Code, 1860 and Sections 3/ 4 of the Explosive Substances Act, 1908.

And

In Re : Dibendu Ash @ Dibyendu Ash & Anr.

..... petitioners

Mr. Amit Ranjan Pati

....for the petitioners

Mr. Saibal Bapuli

Mr. Soumik Ganguly

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, no explosive substance was recovered from the possession of the petitioners. There was a political rivalry for which, the petitioners were falsely implicated.

Learned advocate appearing for the State submits that, there are criminal antecedents so far as the petitioner no. 1 (Dibendu Ash @ Dibyendu Ash) is concerned. A number of improvised explosive devices were recovered from another person.

Considering the criminal antecedent of the petitioner no. 1 and considering the materials in the case diary, we are unable to grant anticipatory bail to the petitioner no. 1 (Dibendu Ash @ Dibyendu Ash).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the petitioner no. 2 is concerned, we grant anticipatory bail to the petitioner no. 2 (Adaitya Das @ Adwaita Das).

Accordingly, we direct that in the event of arrest the petitioner no. 2 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 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 petitioner no. 2 shall meet the Investigating Officer once in a week till the conclusion of the investigation and on condition that the petitioner no. 2 shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner no. 2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)