

11.07.2022
Serial no.30
Aloke

CRM (A) 3280 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Moyna Police Station Case No. 317 of 2021 dated 02.12.2021 under Sections 147/148/149/323/325/326/307/354/354B/379/506 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act.

-And-

In the matter of : **Prakash Kandar @ Prakesh Kander**

... .. Petitioner

Mr. Swapan Kr. Mallick, Advocate
Ms. Sudeshna Das, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Advocate
Ms. Sonali Das, Advocate
Ms. Sreeparna Das, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is an ex-pancyayat member.

Learned Advocate appearing for the State draws the attention to the statement of the injured recorded under Section 164 of the Code of Criminal Procedure.

Apparently, the injured does not named the petitioner as one of the assailants in the statement recorded under Section 161 of the Criminal Procedure Code.

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

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 condition that the petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioner shall appear on every date 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3280 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)