

13.01.2022
Ct. No. 32
Sl. No.26
akd

C. R. M. 8348 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: **Soumya Jana**

... .. Petitioner

Mr. Niladri Sekhar Ghosh

... .. for the petitioner

Mr. Anwar Hossain

Mrs. Ratna Ghosh

... .. for the State

Apprehending arrest in connection with Khanakul Police Station Case No.147 of 2021 dated 17.04.2021 under Section 286 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act, the present application has been preferred.

Mr. Ghosh, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated in the alleged incident. His name has transpired on the basis of a co-accused statement. No overt act has been attributed to the petitioner. In the said conspectus, custodial interrogation is not necessary.

Mrs. Ghosh, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statements of witnesses and the seizure list. She further submits that investigation is still continuing.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that the petitioner's name has transpired on the basis of a co-accused statement. Considering the nature of accusations and the extent of complicity of the petitioner in the

alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Soumya Jana**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, 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 with a further direction that the petitioner shall not enter the jurisdiction of Khanakul Police Station save and except for meeting with the Investigating Officer once in a week till investigation is complete. The petitioner shall also intimate the address where he would be residing to the Investigating Officer immediately.

It is further directed that the petitioner shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel his bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8348 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)

