

29 29.08.2022
(AD)
Court No.29
(Partly
Allowed)

C.R.M. (A) 4117 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **230 of 2022** dated **07/05/2022** under Sections **448/323/325/307/379/427/506/34** of the Indian Penal Code, 1860 and Sections **3/4** of the Explosive Substances Act, 1908.

And

In the matter of: Sk. Mostafa Ali & Ors.

....petitioners.

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh

...for the petitioners.

Mr. Shiladitya Banerjee

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the another co-accused was enlarged on anticipatory bail by this Hon'ble Court. She claims parity with such co-accused.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the first and the fourth petitioners cannot claim parity with the other co-accused. He submits that there are eye-witnesses stating that the first and the fourth petitioners were carrying bombs. Remnants of bombs were seized from the place of occurrence.

By an order dated August 10, 2022 passed in CRM (A) 3858 of 2022, a co-accused was granted anticipatory bail on the

ground that the victim did not suffer any injury with bomb sprinters. The case diary shows that there are statements of eye-witnesses recorded under Section 161 of the Code of Criminal Procedure claiming that the first and the fourth petitioners were carrying the bombs. Remnants of bombs were seized from the place of occurrence.

In such circumstances, we are unable to grant anticipatory bail to the first and the fourth petitioner, that is, Sk. Mostafa Ali and Sk. Monirul @ Samirul Uddin Molla.

Accordingly, the prayer for anticipatory bail of the first and the fourth petitioner, that is, Sk. Mostafa Ali and Sk. Monirul @ Samirul Uddin Molla is rejected.

So far as the other two petitioners, that is, petitioner nos.2 and 3, namely, Sk. Mahabat Ali @ Sk. Mahabbat Ali and Monira Begam @ Monira Khatun, are concerned, apparently, they stand on the same footing as that of the other co-accused who was granted anticipatory bail by the order dated August 10, 2022 passed in CRM (A) 3858 of 2022. Therefore, we grant them anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3, namely, Sk. Mahabat Ali @ Sk. Mahabbat Ali and Monira Begam @ Monira Khatun, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner

nos.2 and 3, namely , Sk. Mahabat Ali @ Sk. Mahabbat Ali and Monira Begam @ Monira Khatun, will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner nos.2 and 3 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 nos.2 and 3 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner nos.2 and 3, namely, Sk. Mahabat Ali @ Sk. Mahabbat Ali and Monira Begam @ Monira Khatun, is allowed.

C.R.M. (A) 4117 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)