

06.09.2022.
23.
Ct.No.28
as
(Partly
Allowed)

C.R.M. (DB) 3015 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dholahat P. S. Case No.484 of 2021 dated 15.12.2021 under Section 286 of the Indian Penal Code and Sections 4 & 5 of the ES Act and Section 25(1A) of the Arms Act.

In the matter of : Sahid Hossain Piyada & Ors.
.... Petitioners.

Mr. Sabir Ahamed,
Mr. Gouranga Kr. Das.
...for the Petitioners.

Ms. Faria Hossain,
Ms. Baisali Basu,
Ms. Mamata Jana.
...for the State.

Petitioners are in custody for 78 days. They pray for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioners had been granted interim anticipatory bail. They misused their liberty and their prayer for pre-arrest bail was turned down. Recovery was from the residence of the petitioner No.1 and investigation is in progress.

We have considered the materials on record. Statements of witnesses show recovery of live bombs from the house of petitioner no.1.

Hence, we are not inclined to grant bail to the petitioner No.1.

Statements of witnesses do not implicate the petitioner no.2. Apart from two statements, stating petitioner no.3 was seen running away from the spot, no recovery was made from his possession.

Keeping in mind the extent of complicity of the petitioner Nos.2 and 3, we are inclined to enlarge the petitioner Nos.2 and 3 on bail subject to strict conditions.

Accordingly, the petitioner Nos.2 and 3 shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip, South 24-Paraganas subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner Nos.2 and 3 while on bail shall remain within the jurisdiction of Dholahat Police Station except for the purposes of investigation and/or attending court proceedings and shall report to the Officer-in-charge of the Dholahat Police Station once in a week until further orders.

In the event the petitioner Nos.2 and 3 fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

