

13.10.2022

Vacation Bench
SL No.77
S.B/s.biswas
(Allowed)

C.R.M. (A) 4878 of 2022

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** P.S. Case No.**161 of 2022** dated **29.03.2022** under Section **286** of the Indian Penal Code and **3/4** of the Explosive Substance Act.

And

In the matter of: **Daku Ghosh @ Provas Ghosh and others**
....Petitioners

Mr. Sandip Chakraborty,
Mr. Antarikhya Basu
...for the Petitioners

Mr. Binay Panda
Ms. Puspita Saha
...for the State

It is contended on behalf of the petitioners that bombs were recovered from an abandoned mango garden. Petitioners have been falsely implicated in the case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioners.

We have considered the materials on record. The explosives have already been recovered. Whether the mango garden wherefrom the explosives were recovered is in the exclusive possession of the petitioners is required to be assessed at the appropriate stage of the proceeding.

Under such circumstances, custodial interrogation of the petitioners is not necessary for the progress of investigation. Hence, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of

₹10,000/- 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.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, allowed.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)