

15.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5207 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **264** of **2021** dated **21.07.2021** under Sections 448/326/307/379/34 of the Indian Penal Code, 1860 and Sections 3/ 4 of the Explosive Substances Act, 1908.

And

In Re : Sadek Ali @ Sadek Sk

..... petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

....for the petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Daan

....for the State

Police filed charge-sheet without involving the provisions of the Explosive Substances Act, 1908 although conducting an investigation under Sections 3/4 thereof.

Apparently, the police will file supplementary charge-sheet.

As on date, since the provisions of the Explosive Substances Act, 1908 are not there in the charge-sheet and considering the nature of injury suffered and considering the gravity of the offence and the involvement of the petitioner therein, we 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/-, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)