

07.07.2022
Court No.1
SL No.26
pk/AP

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 322 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga P.S. Case No.179 of 2021 dated 10.04.2021 under Sections 3/4 of the Explosive Substances Act.

And

In the matter of: **Paresh Chandra Barman and Anr.**

....Petitioners.

Mr. Subhasish Misra

...for the petitioners.

Mr. Aditi Shankar Chakraborty

Mr. Anirudha Biswas

...for the State.

Application for anticipatory bail is made, inter alia, on the ground that there is no direct evidence against the petitioners. It is also submitted that none of the explosives have been found in the custody of the petitioners. Except for a statement from other witnesses that the petitioners were leading the other persons to throw explosives/bombs, there is no other evidence against the petitioners.

Counsel for the State opposes the prayer for anticipatory bail.

This Court does not find materials against the petitioners in the case diary. It also transpires that the investigation has not been completed despite an year and the explosive forensic report is not available as yet.

In those circumstances, the application for anticipatory bail is allowed.

In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs. 10,000/- each 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 further conditions that they shall meet the investigating officer once in a week until further orders and they shall appear before the court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)