

03.08.2023

SL. 3

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2543 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Basanti** Police Station Case No. **89** of **2023** dated **04.02.2023** under Sections **286/326/307/34** IPC and Sections **3/4/5** of the Explosive Substances Act.

And

In the matter of: **Ajijul Paik @ Azizul Paik**

....petitioner.

Mr. Debajyoti Deb
Ms. Somdyuti Parikh

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Ms. Eshita Dutta

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the witnesses recorded under Section 161 Cr.P.C.
3. The witnesses are stated to have seen the present petitioner with another fleeing from the spot after the incident. At this stage, it is submitted by learned Counsel for the petitioner that the principal accused was preparing firecrackers but it is the submissions of the learned Counsel for the State that the principal accused person along with the petitioner and another were preparing bombs before the Panchayat Election. Such question is best to be left to the decision of learned Trial Court on the basis of expert report. The principal accused is stated to have been released on regular bail in the meantime.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner and substantial

progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the fact that:

- i) the petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
- ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

- 5. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
- 6. Accordingly, the prayer for the anticipatory bail is allowed.
- 7. The application being **CRM (A) 2543 of 2023** is disposed of.
- 8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

