

31.08.2023
SL. 46
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3572 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ratua** Police Station Case No. **386 of 2023** dated **09.07.2023** under Section **379** of the IPC read with Sections **3/4** of the E.S. Act.

And

In the matter of: **Nesh Mohammad & Ors.**

....petitioners.

Ms. Minoti Gomes
Mr. Asfak Ahammad

...for the petitioners.

Mr. Sujan Chatterjee

...for the State.

1. Heard learned Counsel for both the parties.
2. It is alleged that the incident occurred during the last Panchayat Election where hurling of bomb took place at the instance of the present petitioner along with other co-accused persons. It reveals that one Ekbal Hussain suffered three deep cut injuries in his right leg and except such injury no other injury/injuries have been found in his person. Admittedly from the statements of the witnesses as recorded under Section 161 Cr.P.C. the names of the present petitioners are transpiring but no specific role has been attributed against any of them.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed (Supra) and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest 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 conditions that:

- i) The petitioners are 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 petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
- 4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
 - 5. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
 - 6. Accordingly, the prayer for the anticipatory bail is allowed.
 - 7. The application being **CRM (A) 3572 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

