

08.09.2023

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as

[Allowed]

C. R. M. (A) 3722 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 676 of 2023 dated 09.07.2023 under Sections 147/148/149/186/506/307/120(B) of the Indian Penal Code read with Section 3/4 of the Explosive Substances Act.

In Re: ***Salma Sultana @ Mst. Salma Sultana & Ors.***

... ... Petitioners

Ms. Roma Roy.

... ... for the petitioners

Mr. Saibal Bapuli, Id. A.P.P.,

Mr. Soumik Ganguli.

... ... for the State

1. Petitioners submit dispute arose in course of Panchayat election. Allegations that the petitioners obstructed police personnel are false. They pray for bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits police personnel were obstructed from discharging official duties.

3. We have considered the materials on record. Petitioner No.1 was a successful candidate in the ensuing Panchayat election. Allegations of destruction of ballot boxes may be gone into, in the event appropriate election petition is filed. No injuries were suffered by police personnel.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., 1) Salma Sultana @ Mst. Salma Sultana, 2) Anisur Rahaman, 3) Nesh Mahammad @ Nes Mahammad and 4)

Abu Hena Mostafa @ Abuhena Mostafa 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and they shall appear before the court below and pray for regular bail within four weeks from date.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)