

18.09.2023
ML. 123
Court No. 29
Sourav
(Partly
Allowed)

C.R.M. (A) 3730 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **408** of **2023** dated **13.07.2023** under Sections **286/506** IPC and Sections **3/4** of the Explosive Substances Act.

And

In the matter of: **Kalu Sk. & Anr.**

....petitioners.

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

...for the petitioners.

Mr. Neguive Ahmed, Ld. APP
Ms. Amita Gaur

...for the State.

1. Heard learned Counsel for the parties.
2. The instant case arises out of a *suo motu* FIR on account of a bomb blast in the house of the petitioner 1. The petitioner no. 2 is the son of the petitioner no. 1.
3. In course of his submission, learned Counsel for the State has handed over a memo of evidence dated 23.08.2023 as prepared by the I.C., Kandi P.S. wherefrom it reveals that in District- Murshidabad, seven cases are pending as against the petitioner no. 1 which are as follows:
 - i) Kandi PS Case No. 73/02 dated 30.06.02 U/S 302/34 I.P.C.
 - ii) Kandi PS Case No. 94/02 dated 30.08.02 U/S 341/302/34 I.P.C.
 - iii) Bharatpur PS Case No. 85/02 dated 19.11.02 U/S 147/148/149/307/325/427 I.P.C & 25/27 Arms Act + 3/4 E.S. Act.

- iv) Bharatpur PS Case No. 86/02 dated 19.11.02 U/S 147/148/149/353/360 I.P.C & 25/27 Arms Act + 3/4 E.S. Act.
- v) Bharatpur PS Case No. 04/03 dated 11.01.03 U/S 302/120B/34 I.P.C + 3/4 E.S. Act.
- vi) Burwan PS Case No. 103/02 dated 22.10.02 U/S 394 I.P.C. & 3/4 E.S. Act.
- vii) Kandi PS Case No. 112/04 dated 28.6.04 U/S 25(1)(a)(c)/27 Arms Act.

4. Considering the gravity of the offence and also considering the criminal antecedent of the petitioner no. 1 (Kalu Sk.), we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner no. 1 (Kalu Sk.).
5. Accordingly, the prayer for anticipatory bail of the petitioner no. 1 (Kalu Sk.) is dismissed.
6. It is fairly submitted at the Bar that so far as petitioner no. 2 (Rajesh Sk.) is concerned, there is no such criminal antecedent.
7. Regard being had to the facts and submission, factum of permanent residence of the petitioner no. 2 (Rajesh Sk.), nature of allegation and substantial progress in investigation, it is directed that the petitioner no. 2 (Rajesh Sk.) 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.
8. Within 21 days from today, petitioner no. 2 (Rajesh Sk.) is

directed to appear before the I.O. along with a server copy or certified copy of this order.

9. Accordingly, the prayer for anticipatory bail is allowed in part.
10. The application being **CRM (A) 3730 of 2023** is disposed of.
11. The memo of evidence dated 23.08.2023 as filed on behalf of the State be taken on record.
12. 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.)

