

20.09.2023
ML. 192
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3800 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Islampur** Police Station Case No. **137** of **2023** dated **13.03.2023** under Sections **25(I)(A)** of Arms Act (corresponding to G.R. Case No. 650 of 2023).

And

In the matter of: **Sumrat @ Sumrat Alam**

....petitioner.

Mr. M. Nazar Chowdhury
Mr. Marghoob Ahmed Salik

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

1. Heard learned Counsel for the parties.
2. It is alleged that one iron made improvised fire arm has been seized from the house of the present petitioner.
3. Learned Counsel for the petitioner submits before this Court that the seizure is fake since in the said seizure no independent witness have been made witnesses. Such fact is, however, disputed on behalf of the State.
4. On perusal of the seizure list, it *prima facie* appears to us that witnesses to the said seizure are all police personnel. No criminal antecedent of the present petitioner could be produced at the time of hearing of the petition.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of offence 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 conditions that:

- i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
- ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

- 6. Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
- 7. Accordingly, the prayer for anticipatory bail is allowed.
- 8. The application being **CRM (A) 3800 of 2023** is disposed of.
- 9. 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.)

