

20.09.2023
ML. 195
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3803 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palasipara** Police Station Case No. **251** of **2023** dated **14.08.2023** under Sections **341/326/307/506/34** IPC and Sections **3/4** of E.S. Act.

And

In the matter of: **Hasibul Mondal & Ors.**

....petitioners.

Mr. Asoke Das
Ms. Roma Roy

...for the petitioners.

Mr. S. G. Mukherjee, Ld. PP
Mr. Swapan Banerjee
Mr. Purnima Ghosh

...for the State.

Mr. Kalyan Ghosh
Mr. Asraf Mondal
Mr. Tushar Sil

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. At the very outset, learned Counsel for the petitioners submits that he is not pressing the instant application for anticipatory bail in respect of petitioner no. 5 (Nur Uz Zaman Mondal) and petitioner no. 13 (Iyachin Sekh) since they have been arrested in the meantime.
3. In view of such, the instant application for anticipatory bail in respect of petitioner no. 5 (Nur Uz Zaman Mondal) and petitioner no. 13 (Iyachin Sekh) stands not pressed.
4. It is the allegation that the petitioners in the instant case having been armed with various firm arms, ammunitions and other materials attacked their rival groups who are politically opposite to them. It is the further allegation that during such

transaction bombs have been hurled, fire arms have been used apart from using other weapons like 'Lathi' etc., by the present petitioners and others. Admittedly, in the aforementioned transaction, only one person suffered bomb blast injury and some splinters have been taken out from his body i.e., left arm and left thigh. We notice no other injury/injuries in the person of the said victim apart from the said bomb blast injury.

5. Admittedly, in the statement of the witnesses recorded under section 164 Cr.P.C., there are some allegations against the petitioners but in our considered view, those are at the fringe.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of offence, nature of injury as discussed supra and substantial progress in investigation, it is directed that each of the petitioner except petitioner nos. 5 and 13 shall be released on bail in the event of their 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 petitioners except petitioner no. 5 and 13 are directed to appear before the I.O. twice 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 petitioners except petitioner nos. 5 and 13 shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the

currency of this order.

iii) The petitioners except petitioner nos. 5 and 13 shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

7. Within 21 days from today, petitioners except petitioner nos. 5 and 13 are directed to appear before the I.O. along with a server copy or certified copy of this order.
8. Accordingly, the prayer for anticipatory bail is allowed.
9. The application being **CRM (A) 3803 of 2023** is disposed of.
10. 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.)

