

03.10.2023

SL. 61

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3994 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1063** of **2023** dated **12.07.2023** under Sections **143/149/448/326/307/354/34** IPC and read with Section **25** of the Arms Act and Sections **3/4** of the E.S. Act.

And

In the matter of: **Abdul Aref & Ors.**

....petitioners.

Mr. Masud Mallik

Ms. Indrani Roy

...for the petitioners.

Mr. Saibal Bapuli, Ld. APP

Mr. Arani Bhattacharyya

...for the State.

1. Heard learned Counsel for the parties.
2. It is submitted by the learned Counsel for the State that the petitioner no. 2 (Wasim Raja) has already been arrested and granted regular bail.
3. In view of such fact, the present petition in respect of petitioner no. 2 (Wasim Raja) is dismissed as infructuous.
4. So far as other petitioners are concerned, they are alleged to have hurled bombs and three persons are alleged to have suffered bomb blast injury but the injuries are not on the vital part of the body and all are abrasions. There are also materials to show that in course of the assault and counter assault, some women have been attacked and the allegation constituting offence under Section 354 IPC are at the fringe.
5. It is submitted by learned Counsel for the petitioners that the entire transaction arose out of the political rivalry during last panchayat election.

6. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of injuries as discussed supra and substantial progress in investigation, it is directed that each of the petitioner except petitioner no. 2 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. 2 are 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 petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
7. Within 21 days from today, petitioners except petitioner no. 2 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) 3994 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.)

