

13.12.2023
SL. 60
Court No. 29
Aloke

C.R.M. (A) 4678 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kulpi** Police Station Case No. **100 of 2022** dated 06.04.2022 under Sections **326/307/302/34** IPC and Section **3 and 4** of the Explosive Substances Act (corresponding to G.R. Case No. 954 of 2022, pending before the Learned Additional District Judge, 3rd Fast Track Court, Diamond Harbour, South 24 Parganas.

And

In the matter of: **Azad Hossain @ Ajad Hosen Paik & Ors..**
....petitioners.

Mr. Jayanta Narayan Chatterjee
Ms. Jayashree Patra
Mr. Bhaskar Mondal

...for the petitioners.

Mr. Rudradipta Nandy, Id. APP
Mr. T. Kabir

... for the State.

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that as against four petitioners before us proclamation under Sections 82/83 of the Code of Criminal Procedure has already been issued prior to filing of the instant application for anticipatory bail.
3. Considering such circumstances, we hold that the instant application for anticipatory bail is not maintainable. However, in the event the present four petitioners appears before the learned ACJM, Diamond Harbour, South 24 Parganas, within a week from today along with a server copy of this order and files an application for bail with three day's advance notice to the learned PP/APP attached to the said Court, the said application shall have to be disposed of on merit in accordance with law. The said Court must commit the present

petitioners along with a part case record after complying with Section 207 Cr.P.C. to the learned Additional Sessions Judge, Diamond Harboure, South 24 Parganas prior to 03.01.2024.

4. In the event learned ACJM, Diamond Harbour is not inclined to allow the prayer for bail of the present four petitioners he shall exercise the same procedure of commitment prior to 03.01.2024 after compliance of Section 207 Cr.P.C.
5. With the aforesaid observations, **CRM (A) 4678 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

