

02.01.2023

Sl.83

Court No.29

(AD)

(Allowed)

C.R.M. (A) 6053 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **586 of 2022** dated **12.06.2022** corresponding to GR No.3068 of 2022, under Sections **448/427/307/506/34** of the Indian Penal Code, 1860 and Sections **3/4** of Explosive Substances Act, 1883.

And

In the matter of: **Abu Hossen Sekh & Ors.**

....petitioners.

Ms. Sananda Bhattacharyya

...for the petitioners.

Mr. S.S. Imam

Mr. Arabinda Manna

...for the State.

Mr. Mayukh Mukherjee

Mr. Koustav Lal Mukherjee

... for the de facto complainant.

Attention of the Court was drawn to the two seizure lists.

None of the seizure lists apparently speaks of any explosives being seized. One seizure list dated June 12, 2022 speaks of some chords with the smell of explosives therein. Forensic report is yet to be filed with the case diary.

There is one more police complaint with regard to the same incident in which the accuseds therein, were granted anticipatory bail by the order dated September 5, 2022 passed in CRM (A) 4225 of 2022. There it was observed that the police did not make any seizure with regard to the explosives allegedly used.

The allegations are of assault with the user of explosives.

The present case does not contain any injury report.

De facto complainant is represented.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 6053 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)