

16.06.2023
SL No.28
Court No.1
Saswata
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 434 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Sahebganj Police Station Case No. 178 of 2021, dated 03.05.2021 under Sections 143/186/188/353/332/333/307/506/504 of the Indian Penal Code, 1860 read with Section 3/4 of the Explosive Substance Act.

And

In the matter of : **Abdul Malek @ Abdul Malek Miah @ Uskani & Ors.**

- Petitioners.

Mr. Subhasis Misra

Mr. Swarup Das

... For the Petitioners.

Mr. Niloy Chakraborty

Mr. Chattu Roy

... For the State.

1. Learned Counsel for the petitioners submits that due to political vengeance, they have been falsely implicated in the instant case.
2. Learned Counsel for the State, in opposing the prayer for anticipatory bail submits that government properties have been damaged and some of the police personnel were injured.
3. Considering the materials available in the case diary, the nature of involvement of the petitioners in commission of the alleged offence and that no overt act has been clearly attributable to the petitioners and having regard to the fact that some of the accused persons are on bail and charge sheet has

already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we **allow** the prayer for anticipatory bail of the petitioners on the following conditions:

- i. In the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one whom must be local to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
- ii. The petitioners shall cooperate with the investigation.
- iii. The petitioners shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.

5. The application for anticipatory bail is, thus, disposed of.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)