

35. 05.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 364 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Sahebganj Police Station Case No. 398 of 2022** dated **26.10.2022** under Sections **143/186/353/332/333/307/506/34** of the Indian Penal Code, 1860 read with Sections **3/4** of the Explosive Substances Act.

And

In the matter of: - **Omar Faruk Byapari**

...petitioner.

Mr. Sudip Guha, Adv.

...for the petitioner.

Mr. Nilay Chakraborty, Adv.,
Ms. Namrata Das, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State.

It is contended on behalf of the petitioner that a *suo motu* FIR was lodged wherein the present accused petitioner has been implicated out of political rivalry.

Drawing our attention to page 68 of the case diary it is contended on behalf of the State that the present accused petitioner is one of the assailants who had hurled bomb in the alleged incident.

On a perusal of the entire material in the case diary it does not appear to us that further custodial detention of the

present accused petitioner is necessary for investigation. Accordingly, we are inclined to exercise our discretion in favour of the present accused petitioner.

Accordingly, we direct that the petitioner, namely, **Omar Faruk Byapari**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata, Cooch Behar on condition that the present accused petitioner shall meet the Investigating Officer as and when called for till submission in Final Form and shall not leave the district without leave of the Investigating Officer and on further condition that the present accused petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 364 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)