

23.02.2024

Serial no. 07
Anticipatory bail
[Allowed]
Dd

CRM (A) 600 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kashipur** Police Station Case No. **277** of **2023** dated **16.06.2023** under Sections **302/147/148/149/341/109/120B** of the Indian Penal Code, 1860 read with Section 9B of Explosives Act, 1884.*

-And-

*In the matter of : **Md. Nawsad Siddique**
... .. **Petitioner***

*Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Uday Shankar Chatterjee,
Mr. Suman Shankar Chatterjee,
Mr. Firdous Samim,
Mr. Rajdeep Mazumder,
Mr. Aniruddha Chatterjee,
Ms. Gopa Biswas,
Ms. Sampriti Saha,
Ms. Payel Shome,
Mr. Purba Mukherjee, Advocates
... .. For the Petitioner*

*Mr. Debasish Roy, PP
Mr. Ranadeb Sengupta, Advocates
... ..For the State*

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that the petitioner is a political personality. He was falsely implicated in the present police case. He was issued a notice under Section 160 of the Criminal Procedure Code to which he responded and appeared before the Investigating Officer. Since the police filed charge sheet, placing the petitioner in custody is not required.

Learned Public Prosecutor draws the attention of the Court to the materials in the case diary. He submits that, petitioner held a meeting where he gave out that, nomination

should be filed at any cost and that if any person is arrested in any police case, he will take care of the same. He acknowledges that the petitioner responded to the notice under Section 160 of the Criminal Procedure Code. He points out that, although, police filed charge sheet, police did not pray for issuance of warrant of arrest. The jurisdictional Court initially issued an order for issuance of warrant of arrest. Subsequently, the jurisdictional Court thought it prudent to transmit the records to MPMLA Court for trial after splitting up the case. There are certain issues with regard to the split up the case being received by MPMLA Court.

The police case is dated June 16, 2023. Police filed charge sheet therein before the jurisdictional Court. Petitioner before us is a member of State Legislative Assembly.

Petitioner responded to the notice under Section 160 of the Criminal Procedure Code.

Police did not pray for issuance of warrant of arrest at the time of filing of the charge sheet.

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

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 600 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)