

18.04.2024

DL-1

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1081 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Farakka** Police Station Case No. **466 of 2023** dated **20.12.2023** under Sections **285/34** of the Indian Penal Code, 1860 and under Section **9** of the West Bengal Maintenance of Public Order Act, 1972, pending in the Learned Sessions Judge, Murshidabad. (G.R. Case No.3295 of 2023).

And

In the matter of: **Sariful Sk @ Laltu Sk & Anr.**

....petitioners.

Ms. Gulsanwara Pervin

Mr. Arka Ranjan Bhattacharyya

...for the petitioners.

Ms. Sonali Das

Ms. Jonaki Saha

... for the State.

1. Petitioners pray for anticipatory bail.
2. Learned Advocate appearing for the petitioners submits that, the petitioners were falsely implicated.
3. Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. She submits that, the petitioners were involved in hurling bombs.
4. The police case does not involve provisions of the Explosives Substances Act although, police claimed to seize remnants of crude bombs from the locale. Case diary contains statements of police personnel recorded under Section 161 of the Code of Criminal Procedure which claims that, they were told that two bombs were hurled by the petitioners. Case diary, at this stage, does not contain any statement of any independent eye-witness implicating the petitioners.
5. In such circumstances, we grant anticipatory bail to the petitioners.
6. 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.

7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. **C.R.M. (A) 1081 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)