

23.04.2024
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allowed

CRM (DB) No. 1150 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No. 381 of 2022 dated 17.07.2022 under Sections 143/144/326/307/302/120B of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act.

And
In Re : Asraul Haque & Anr. petitioners

Mr. Sourav Chatterjee
Mr. Srijib Chakraborty
Mr. Moyukh Mukheree
Ms. Aishwarya Bazaz
....for the petitioners

Mr. Antarikhya Basu
Mr. Asif Dewan
.... for the State

1. Learned Counsel for the petitioners submits they are in custody for one year and nine months. It is also submitted there is no direct allegation that they had hurled bombs. Co-accused are on bail. Trial has not progressed. Accordingly, they pray for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Petitioners and others were preparing bombs. In the course of such activity a fight broke out and one of them threw bombs resulting in injuries and death of four persons. Charge-sheet has been filed against twenty six persons. Four of them have been enlarged on bail. No specific allegation is levelled against the petitioners. They stand on the same footing with co-accused who

have been enlarged on bail. Under such circumstances, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, subject to conditions that petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)