

**22.04.2024**  
DL-371  
Court No.29  
(AD)  
(Rejected)

**C.R.M. (A) 1374 of 2024**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **RC-16/2023/NIA/DLI** dated **04.06.2023** under Sections **120B/285/286/304** of the Indian Penal Code, 1860, read with Section **26** of the West Bengal Fire Services Act, 1950 read with Sections **3 and 4** of the Explosive Substances Act, 1908 registered by the National Investigation Agency arising out of the **Bhupati Nagar** P.S. Case No.**463** of **2022** dated **03.12.2022**, pending before the Court of Learned Chief Judge, City Sessions Court, Calcutta cum Judge Special Court, Calcutta under NIA Act being NIA Case No.8 of 2023.

And

In the matter of: **Sri Manab Kumar Parua & Anr.**

....petitioners.

Mr. Milan Mukherjee, Ld. Sr. Advocate  
Mr. Sabyasachi Banerjee  
Mr. Ayan Bhattacharya  
Mr. Radhamohan Ray  
Mr. Soumen Mohanty  
Mr. Ayan Poddar  
Mr. Agnish Basu

... for the petitioners.

Mr. Anirban Mitra  
Mr. Bhaskar Prosad Banerjee

... for the NIA.

1. Petitioners pray for anticipatory bail.
2. Learned Senior Advocate appearing for the petitioners submits that, the petitioners are being proceeded against since they subscribed to a particular political ideology. He submits that, just prior to the Panchayat Election in the State of West Bengal, the petitioners were issued notices. Petitioners approached the Writ Court and received protective order till after the Panchayat Election. He refers to the order dated June 30, 2023 passed in WPA 15211 of 2023. He submits that, petitioners thereafter received a notice dated March 27, 2024 issued under Section 160 of the Criminal Procedure Code. He contends that, nothing transpired from the date of the re-registration of the First Information Report

by the National Investigation Agency (NIA) till the date of issuance of the notice under Section 60 of the Criminal Procedure Code.

3. Learned Senior Advocate appearing for the petitioners submits that, initially a police case was registered in which a charge sheet dated February 28, 2023 was filed. Petitioners were not named in such charge sheet as accused. In fact, petitioners were arrayed as witnesses in such charge sheet. He submits that, NIA thereafter re-registered the FIR on June 4, 2023.
4. Learned Senior Advocate appearing for the petitioners submits that, NIA surreptitiously obtained warrant of arrest on April 2, 2024 against the petitioners. He points out that, NIA is now trying to proceed after one and half years from the date of filing of the charge sheet in the police case. He questions the authority of NIA to undertake fresh investigations. He contends that, if the Explosive Substances Act is taken into consideration from the purview, then, the offences alleged in the First Information Report does not become a schedule offence for NIA to investigate into.
5. Learned Advocate appearing for the NIA submits that, NIA registered a case on June 4, 2023 and is proceeding with the investigations. According to him, the police filed a charge sheet specifying a time of the incident which is contrary to the call details records. He contends that, the petitioners before us were in conversation with persons involved in the incident at the time when, the police claimed that the bomb blast took place. He refers to the Forensic Science Laboratory Report to

contend that, provisions of Explosive Substances Act are attracted.

6. Referring to the materials in the case diary, learned Advocate appearing for the NIA submits that, the present Investigating Officer took charge in January, 2024. The present Investigating Officer was in a position to record statements of at least four protracted witnesses which implicated both the petitioners in the incident. He draws the attention of the Court to the statements of such witnesses. He also draws the attention of the Court to the call details recording. He submits that, the call details recording suggests that, others are involved. Involvement of other personnel are being investigated into. He opposes the prayer for grant of anticipatory bail.
7. An incident occurred in which, three persons expired due to injuries suffered out of a bomb blast. Case diary contends a FSL report which speaks of involvement of explosive substances attracting the provisions of the Explosive Substances Act. Police registered a case in respect of the incident and filed a charge sheet with regard thereto on February 28, 2023. NIA thereafter took over the investigations with regard thereto. NIA registered a case on June 4, 2023. NIA proceeded with the investigations with regard to such police case. Case diary shows that, at least four persons recorded statements under Sections 161 of the Code of Criminal Procedure on March 12, 2024. Statements of such four persons squarely implicated both the petitioners in the incident. Call details recording suggests a chain of

events as sought to be contended by NIA at this stage. FSL report suggests involvement of explosive substances.

8. Given such materials in the case diary and considering the gravity of the offence and the involvement of the petitioners as transpiring therefrom, we are unable to grant anticipatory bail to the petitioners.
9. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.
10. **C.R.M. (A) 1374 of 2024** is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**