

09.07.2024
Court No.29
Item No. 50

Allowed

sg

CRM (A) 2263 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 689 of 2024 dated 18.05.2024 under Sections 286/120B of the Indian Penal Code and Section 3/4 of the E.S. Act, pending before the learned Chief Judicial Magistrate, Malda.

And

In Re: **Md. Mahabub Haque Biswas**

Petitioner

Mr. Amitabah Karmakar
Mr. Arup Kumar Bhowmick

For the Petitioner

Mr. Sujan Chatterjee

For the State

1. The learned Counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the instant case.
2. The learned Counsel for the State has produced the case dairy and had drawn our attention to the statement of the de-facto complainant where it alleged that before two years, some plastic ball bombs were kept in the orchard of a fellow villager. Fatema has not lodged any complaint.
3. Considering the materials available in the case diary and the nature and extent of involvement of the petitioner in the commission of alleged offence and the statement of the victim, we are of the view that the custodial interrogation of the present petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioners namely, **Md. Mahabub Hoque Biswas**, shall be released on bail upon furnishing a bond of

Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner no.1 shall meet the I.O. once in a week till the submission of final report. The petitioner shall appear before the learned Chief Judicial Magistrate, Malda, in connection with G.R. Case No. 3259 of 2024 within two weeks from date and thereafter shall appear on each and every date of hearing and.

5. In the event they fail to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel their bail automatically without any reference to this court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2263 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)