

15.07.2024
Court No.29
Item No. 49

Allowed

sg

CRM (A) 2398 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagrik Suraksha Sanhita read with Section 438 of the Code of Criminal Procedure, in connection with Nanoor Police Station Case No. 106 of 2024 dated 26.05.2024 under Sections 399/402 of the Indian Penal Code and section 9(b)(ii) of the Explosives Act, pending before the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum.

And

In Re: **Jiaul Sk. @ Jiyabul Sekh**

Petitioner

Mr. Pawan Kumer Gupta
Md. Zeeshanuz Zaman

For the Petitioner

Ms. Faria Hossain
Ms. Mousumi Sarkar

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and the co-accused persons have been enlarged on bail.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that the co-accused persons have directly implicated the petitioner and a huge quantity of gunpowder along with weapons were recovered from them.
3. Considering the materials available in the case diary and the nature and extent of involvement of the present petitioner in the commission of the alleged offence, 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 petitioner namely, **Jiaul Sk. @ Jiyabul Sekh**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioner shall meet the I.O. twice in a week and shall not leave the jurisdiction of District Birbhum without the permission of the I.O. till the submission of the final report. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum, in connection with G.R. Case No. 668 of 2024 within two weeks from date.
5. In the event the petitioner fails to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2398 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.)