

03.01.2024
Item No.3
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4218 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habra** Police Station Case No. **515** of **2022** dated **29.05.2022** under Sections **286/326** of the Indian Penal Code, 1860 read with Sections **3/ 4** of the Explosive Substances Act, 1908.

And

In the matter of : Prabir Majumder

..... petitioner

Mr. Susnigdho Bhattacharyya,
Ms. Swati Bhattacharyya
....for the petitioner

Mr. Ranabir Ray Chowdhury,
Mr. Mainak Gupta
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

It is submitted on behalf of the petitioner that, he was falsely implicated.

Learned advocate appearing for the State refers to the materials in the Case Diary. He submits that, a blast took place whereupon persons suffered injuries. One of the injured is the mother of the petitioner and she recorded her statement under

Section 161 of the Criminal Procedure Code stating that, the petitioner is an antisocial and involved in storage of arms and ammunitions as well as explosive substances.

Seizure list shows that explosive substance was seized. Seized substance was sent for forensic examination. Involvement of the petitioner in the incident cannot be overlooked.

In such circumstances, we are unable to extend the interim order dated October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4218 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)