

02.01.2024

Sl.18

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4220 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samserganj** Police Station Case No. **372 of 2021** dated **15.11.2021** under Sections **3/4/5** of E.S. Act (G.R. Case No.2308/2021).

And

In the matter of: **Mojibur Rahaman**

....petitioner.

Ms. Sreyashee Biswas

Mr. Benajir Hasna

Mr. Aliul Islam

...for the petitioner.

Mr. Sudip Ghosh, Sr. Govt. Advocate

Mr. Koushik Kundu

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the petitioner was enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We considered the materials in the case diary.

The statements recorded under Section 161 of the Code of Criminal Procedure can be classified fatal into those made by police personnel raiding the plot and by villagers.

None of the statements implicate the petitioner in the manufacture of the explosives. None of the persons recording the statements saw the petitioners involved in the manufacture, storage or extraction of the explosives. They all claimed that the petitioner was involved in gambling. Explosives seized were not from the residence of the petitioner.

Police filed charge sheet.

In such circumstances, we confirm the interim order of anticipatory bail granted to the petitioner on October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4220 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)