

02.01.2024
Item No.82
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4329 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ashokenagar** Police Station Case No. **469** of **2023** dated **08.07.2023** under Sections **342/325/427/506/34** of the Indian Penal Code, 1860 and Sections 3/4 of the Explosive Substance Act.

And

In the matter of : Tarikul Islam & anr.

..... petitioners

Mr. Mazahar Hossain Chowdhury
....for the petitioners

Mr. Avishek Sinha
....for the State

Leave granted to the learned advocate-on-record of the petitioners to amend the cause-title.

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

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

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 perused the materials in the Case Diary.

We find that, the police filed the charge-sheet omitting Section 325 of the Indian Penal Code, 1860.

Apparently, no person suffered injury in the incident, although, there is a claim that crude bombs were hurled.

In such circumstances, we confirm the interim order granted to the petitioners on October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4329 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)