

02.01.2024
Item No.93
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4349 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Saktipur** Police Station Case No. **146/2023** dated **05.07.2023** under Sections **286/326/307/120B/34** of the Indian Penal Code and Sections **3/ 4** of the E.S. Act.

And

In the matter of : Akkas Mallick & ors.

..... petitioners

Ms. Minoti Gomes

....for the petitioners

Mr. Joydeep Roy Ld. Jr. Govt. Advocate

Ms. Sujata Das

....for the State

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

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

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.

Learned advocate appearing for the petitioners submits that, petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. He submits that, petitioners were involved in making of crude

bomb when a blast occurred. Two injured persons were taken to a local doctor for treatment.

He draws the attention of the Court to the statement of such doctor recorded under Section 161 of the Criminal Procedure Code.

We perused the Case Diary. We find that police seized materials to suggest that crude bombs were being manufactured.

There is a statement of the doctor spoken of by the learned advocate for the State. Such doctor named two persons who came to him for treatment and that those injured persons were taken away by some other people. The doctor named the injured. The injured persons were not petitioners before us. The doctor does not name any of the petitioners before us.

The other statement apparently by the police personnel.

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

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 further condition that the petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of investigation 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) 4349 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)