

03.01.2024

Serial no. 65

Anticipatory Bail

[Allowed]

Dd

CRM (A) 4370 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tarapith** Police Station Case No. **42** of **2020** dated **28.06.2020** under Sections **147/148/149/307** of the Indian Penal Code, 1860. read with Section **3/4** of the Explosive Substance Act. (G.R. Case No. 605/2020)*

-And-

In the matter of : **Kajal Sk @ Kajal Sk & Ors.**

... .. Petitioners

Mr. Abhimanyu Banerjee,

Mr. Arnab Saha, Advocate

... .. For the Petitioners

Mr. Joydeep Roy, JGA

Mr. Amanul Islam, Advocates

... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Learned advocate appearing for the petitioners submits that a free fight took place and that the petitioners were falsely implicated. No explosive substance was seized from the possession of the petitioners.

Learned advocate for the State draws the attention of the Court to the seizure list.

Apparently, in an incident of assault, crude bombs were used. Crude bombs were seized. Seizure was not made from the possession of the petitioners.

Police filed charge sheet.

In such circumstances, considering the complicity of the petitioners in the incident, we confirm the interim order granted on October 16, 2023.

Consequently, we grant anticipatory bail 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 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 4370 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)