

11.12.2024

Sr. No. 9

Ct. No. 28.

AB

(Allowed)

C.R.M. (DB) 3817 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Santipur Police Station Case No.876 of 2024 Dated 27.06.2024 under Sections 304/34 of the Indian Penal Code read with Sections 3 /4 of the Explosive Substances Act

In the matter of : **Mahibul Sekh**

....Petitioner.

Mr. Sayan De,
Mr. Sayan Kanjilal

.....For the Petitioner.

Ms. Minoti Gomes,
Mr. Bikram Mitra

.....For the State.

1. Heard learned Advocates for the parties.
2. Petitioner contends that he did not have intention to commit the murder. Incident occurred when bombs accidentally burst. He is in custody for 166 days. He prays for bail.
3. Learned lawyer for the State opposes the prayer for bail.
4. We have considered the materials on record. Petitioner and others were manufacturing bombs. At that time, a bomb burst and one of them died. Petitioner did not have intention to commit the murder. Investigation is complete. There is no chance of abscondence. Under such circumstances, we are inclined to enlarge the petitioner on bail.

5. Accordingly, the petitioner, namely, **Mahibul Sekh** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
6. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. This application for bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)