

01.02.2024
Item No.55
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5301 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No.**428** of **2023** dated **09.07.2023** under Sections **326/34** of the Indian Penal Code, 1860 with Sections **3 & 4** of the Explosive Substances Act.

And

In the matter of :**Md. Khaberuiddin Mandal @**
Khaberuiddin Mondal & Ors.
.....Petitioners.

Mr. Sumanta Dasfor the Petitioners.

Mr. Ashok Dasfor the State.

Mr. Atis Kumar Biswas
Ms. Jyoti Agarwalfor the de-facto complainant

Petitioners pray for anticipatory bail.

Learned advocate appearing petitioners submits that the incident occurred during the Panchayat elections. Crude bombs were hurled at the petitioners.

Learned advocate for the State draws the attention of the Court to the materials in the case diary. He submits that 10 persons were injured.

The de-facto complainant is represented.

Apparently, apart from the petitioner no. 5, all other petitioners are named as assailants in the incident of assault. Crude bombs were used. 10 persons suffered injuries.

Considering the nature of injuries suffered and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioner nos. 1 to 4 and 6 to 23.

Since the petitioner no. 5 is not named as one of the assailants in the F.I.R., we grant anticipatory bail to the petitioner no. 5.

Accordingly, we direct that in the event of arrest the petitioner no.5 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount, 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 petitioner no.5 will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner no. 5 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 no.5 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

C.R.M.(A) 5301 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

