

04.01.2024
Item No.48
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5736 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **508** of **2023** dated **08.07.2023** under Sections **147/148/149/326/307/302** of the Indian Penal Code, 1860 read with Sections **25(1B)(a)/27/35** of the Arms Act read with Sections **3/ 4** of the Explosive Substances Act and adding Section **120B** of the Indian Penal Code. .

And

In the matter of : Sarikul Sk @ Sarikul Islam

..... petitioner

Mr. Avik Ghatak,
Mr. Abhinav Rakshit
....for the petitioner

Mr. Pinak Kumar Mitra
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the wife of the petitioner contested the Gram Panchayat election on opposition ticket. Immediately after the candidature of the wife was accepted, four police cases were filed arraying the petitioner as an accused. Petitioner was granted bail in two of the police cases. All police cases involved accused numbering in excess of 30. Police also filed another police case against another candidate of the opposition who was elected.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. He

submits that there are two eyewitnesses implicating the petitioner in the offences alleged.

Issue of political rivalry and false implication thereto cannot be overlooked.

The police case was initiated subsequent to the wife of the petitioner standing for the election.

Police filed charge-sheet.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 5736 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

