

14.01.2025

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Allowed

C.R.M. (A) No. 89 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Shyampur Police Station Case No. 404 of 2024 dated 13.10.2024 under Sections 191(2)/191(3)/190/221/132/121(1)/121(2)/109/351(2)/61(2) of the BNS and Section 9 of West Bengal Maintenance of Public Order Act and Section 3 of Prevention of Damage to Public Property Act and Section 9(1)(B) of the Explosive Act.

And

In Re : Aftab Molla @ Aftabuddin Molla @ Aftabuddin Mollah petitioner

Mr. Uday Sankar Chattopadhyay

Mr. Rajashree Tah

Ms. Trisha Rakshit

Mr. Debdipto Banerjee

Ms. Aishwarya Datta

.....for the petitioner

Mr. Suman De

Ms. Mamata Jana

....for the State

1. Report submitted in Court be placed on record.

2. Learned Counsel for the petitioner submits CCTV footage does not show presence of the petitioner as member of the unlawful assembly who assaulted police personnel. He prays for anticipatory bail.

3. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner is a political leader and had incited the mob to commit the offences.

4. We have considered the materials on record. Possibility of false implication due to political affiliation cannot be ruled out. Keeping in mind the aforesaid facts and in view of

extent of complicity of the petitioner in the crime we are inclined to grant bail to him.

5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)