

17.03.2025
Item No.68
Ct. No. 26
CHC
Rejected

C.R.A.(DB) 15 of 2024

In Re:- An application under Section 21(4) of the National Investigation Agency Act, 2008, arising out of **Beldanga** Police Station Case No. **26/2022** dated **17.01.2022** under Sections **120B/324/326/307/34** of the Indian Penal Code, 1860 and under Sections 3/4/5 of the Explosive Substances Act, 1908.

And

In the matter of : Mansur Ali @ Mansur Seikh
@ Manchur Ali @ Mansur Sk

..... appellant

Mr. Milon Mukherjee, Ld. Senior Advocate
Mr. Anisur Rahman, Advocate
....for the appellant

Mr. Arun Kumar Maiti (Mohanty), Advocate
Mr. Anirban Mitra, Advocate
Mr. Bhaskar Prosad Banerjee, Advocate
Mr. D.Tandon, Advocate
....for the NIA

1. Petitioner prays for bail.
2. Leaned Senior Advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 1 and ½ years. He draws the attention of the Court to the charge sheet submitted. He points out that, the investigating agency sought leave to file a supplementary charge sheet. He draws the attention of the Court to the contents of the charge sheet.

3. Learned Senior Advocate appearing for the petitioner submits that, the initial FIR did not contain any provision of Unlawful Activities (Prevention) Act. He points out that, it was added subsequently. He also points out that, the investigation of the police case was taken over by the National Investigation Agency (N.I.A) sometime in September 2023 while the incident is of January, 2022.
4. Learned Senior Advocate for the petitioner draws the attention of the Court to the charge sheet and in particular, to paragraph 18.3 thereof which records the offences committed by his client.
5. Learned Senior Advocate appearing for the petitioner draws the attention of the Court to the permission claimed to be under the provisions of Explosive Substances Act, 1908. He points out that, the so-called permission was granted on December 12, 2023 against all accused in the criminal cases while charge sheet submitted stated that, there was no materials as against the some the accused. He points out that, permission for prosecution was vitiated by non-application of mind.
6. Learned Senior Advocate appearing for the petitioner draws the attention of the Court to the order dated December 11, 2023 which, purports to be under the provisions of the Unlawful Activities (Prevention) Act, 1967. He submits that the designated authority

considered the existence of at least 101 witnesses. He contends that, the trial is unlikely to end any time in the near future given the fact that charges are yet to be framed and that 101 prosecution witnesses are likely to be examined at the trial. Moreover, he submits that, the materials that were considered by the authority granting permission under Act of 1967 are yet to be made available to his client.

7. NIA authorities are represented.
8. Learned advocate appearing for the NIA authorities refers to the materials in the Case Diary. In particular, he relies upon important dates that corresponding events as also the materials as against the petitioner before us.
9. An incident of bomb blast occurred on January 17, 2022 in respect of which, a police case was registered. One person expired due to the bomb blast with several injuries occurring at the locale. Investigation of the police case was taken over by the NIA sometime in September, 2022. NIA submitted a charge sheet dated December 12, 2023 *inter alia* under the provisions of Sections 120B, 201 and 304 of the Indian Penal Code, 1860 read with Sections 4, 5 and 6 of the Explosive Substances Act, 1908 and Section 18 Unlawful Activities (Prevention) Act, 1967.
10. The charge sheet delineates the offences committed by the petitioner. Petitioner knowingly involved himself in

making iron socket bombs at the place of occurrence and that while fabricating such bombs a blast took place resulting in blast injuries with one person succumbing to such injuries.

11. District Magistrate considered the request for accord of sanction for prosecution and granted the same on December 12, 2023. Apparently, the District Magistrate granted sanction against all the accused persons, although, the charge sheet of the NIA dated December 12, 2023 found no materials against some of the accused at that stage.
12. The authorities under the Act of 1967 granted sanction for prosecution under Section 45 of the Act of 1967 against several persons including the petitioner before us. Although, slightly different provisions of the Explosive Substances Act, 1908 are noted in the order dated December 11, 2023 than the actual sanction granted by the District Magistrate under the Act of 1908 and the charge sheet submitted by NIA, we take it that, the Sections of the Act of 1908 noted in the order dated December 11, 2023 are typographical errors.
13. There are materials requiring the petitioner to stand trial for the charges leveled in the charge sheet against him.

14. Charges are yet to be framed. No doubt, expeditious steps would be taken by the investigating agency for the purpose of framing the charges as against the petitioner.
15. Period of detention is not such that at this stage, we should be required to invoke Article 21 of the Constitution of India in favour of the petitioner.
16. The incident is serious in nature with a person succumbing to bomb blast injuries and several others suffering injuries. Petitioner is alleged to be involved in the fabrication of such bombs when the blast took place.
17. Considering the gravity of the offence and the involvement of the petitioner in the incident, we are not inclined to grant bail to the petitioner.
18. This application for bail is, thus, rejected.

(Debangsu Basak, J.)

(Smita Das De, J.)