

**In The High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

02.01.2025
Sws.M/ct. 1
sl no. 101

CRM (A) 1005 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with GR Case No.819/2021 in Boxirhat Police Station Case No.302 of 2021 dated 13.09.2021 under sections 395/397/307 of the Indian Penal Code read with sections 3, 4 Explosive Substance Act.

And
In the matter of: Atiar Miah @ Takka @ Atiyar Mia
@ Rahaman petitioner

Mr. Koushik Kumar Kanu
..... for the petitioner
Mr. Nilay Chakraborty, Ld. APP
Ms. Namrata Das
..... for the State

It is submitted on behalf of the petitioner that he has been wrongly implicated in this case and prays for bail on parity with similarly situated other accused persons, who are on bail.

On behalf of the State, it is submitted that an earlier application filed by the petitioner seeking bail had been rejected as far back as on 20 December, 2021. It is also submitted on behalf of the State that the trial has unnecessarily procrastinated due to the conduct of the petitioner. In the meantime, all the co-accused are on bail.

Considering the facts and circumstances of the case and having regard to all the materials on record and particularly to the fact that all the co-accused are on bail, we are inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail stands allowed.

In the event of arrest of the petitioner, namely, Atiar Miah @ Takka @ Atiyar Mia @ Rahaman he 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 arresting officer and subject to the 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.

It is further directed that the petitioner shall meet the Investigating Officer of the case every week until further orders.

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.

This order shall remain operative for a period of four weeks from date within which the petitioner shall surrender before the Trial Court. The Trial Court is at liberty to consider the prayer for bail on its own merits without being influenced by any observations made by this Court.

With the above directions, CRM(A) 1005 of 2024 stands allowed.

(Ravi Krishan Kapur, J.)

(Uday Kumar, J.)